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ABSTRACT

A Senate hearing was held regarding the current condition of Bureau of Indian Affairs (BIA) schools. The BIA selection process for building and repairing these schools was resumed; and discussed innovative measures for financing BIA schools was discussed. This document includes testimony from the Director of the National Indian Education Association, the Assistant Secretary for Indian Affairs, and the President of the Dakota Area Consortium of Treaty Schools, Inc., along with prepared statements from other interested parties. Among the information presented is the fact that there is a $1.5 billion backlog of needed repairs, renovations, and replacement for all federally owned and operated BIA schools. Half of BIA schools are over 30 years old, and one quarter of the schools are over 50 years old--all of which fail to meet current codes and standards. Overall, BIA schools are generally in poorer physical condition than even central city schools, have less technology than the average American school, and have funding that is at crisis levels. Numerous statements and attachments illustrating these observations conclude the report. (GR)

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BIA SCHOOL CONSTRUCTION

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HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

THE CURRENT CONDITION OF BIA SCHOOLS

JUNE 10, 1998
WASHINGTON, DC

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BIA SCHOOL CONSTRUCTION

WEDNESDAY, JUNE 10, 1998

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m., in room 106, Senate Dirksen Building, Hon. Ben Nighthorse Campbell (chairman of the committee) presiding.

Present: Senators Campbell, Domenici, Dorgan, and Conrad.

Also present: Senator Johnson.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning. The Indian Affairs Committee will be in session.

The purpose of this morning's hearing is to receive testimony regarding the current condition of BIA schools; review the BIA selection process for building and repairing these schools; and to discuss innovative measures for financing BIA schools.

We are not facing a new problem. Indeed, the committee record, if you go back 7 years ago, reads as follows:

> We will receive testimony which states that Indian children are not being provided with school facilities that are safe, healthy, and conducive to a quality education. We will hear from other parents, tribal leaders, and school board members that their children must attend classes in overcrowded classrooms and live in dilapidated dorms. Sadly, we will hear one more time how the Federal Government is failing to meet its obligations to Indian children. We must address the backlog of new school construction requests and the related school facility maintenance improvement and repair problems, which will repeatedly be identified by various witnesses today.

That statement was said 7 years ago by then-chairman of this committee, Senator DeConcini of Arizona. Well, it seems like things have not changed very much.

The Senate budget passed for fiscal year 1999 allocates $166 million to BIA schools for construction. This amount, if appropriated, would place a little dent, at least, in that $754 million backlog in BIA school construction, and would fund all remaining school construction projects on the priority list.

The budget also contained a resolution introduced by Senators Domenici and Johnson to eliminate this backlog within 5 years. These are Federal buildings, and the Government is liable for injuries caused by their decay, so we all on this committee hope that Congress can live up to this promise.

However, the constraints imposed by last year's balanced budget agreement won't permit us to address all the problems facing Indian country, so we look forward to our discussion today on alternative methods of financing and the administration's improved method of maintaining and repairing the schools.

We obviously have a complicating factor around here, something we sometimes call the "law of unintended consequences." One of the consequences of last year's Welfare Reform Act is that there are many Indians moving back to the reservations. Some are being dropped off the welfare rolls, can't find jobs, can't get in school in the cities, and so they are simply going home, which makes the problem on reservation even worse as they take their children back and into already overcrowded conditions.

Last week the committee discussed the reported public safety crisis in Indian country. The crime rate is soaring in every Indian jurisdiction across this Nation. The majority of criminals leading this charge are juveniles, children that should be obtaining an education, but for the reasons that we have already talked about and are about to discuss, they cannot attend school because of the conditions that exist. I taught school for 14 years, as some of my friends know, 10 in the elementary and high school level and 4 at the college level, too, and one thing I know for sure as a former teacher is that students cannot learn adequately unless the atmosphere is conducive to learning.

I understand that the Interior Department will soon implement new departmentwide procedures for addressing facilities construction, and that the BIA is developing a new method for attacking this school construction problem. I look forward to hearing your testimony.

With that, I would ask Senator Dorgan if he has an opening statement.

STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. Mr. Chairman, I do, but let me first thank you for holding the hearing and thank Assistant Secretary Gover and Assistant Secretary Berry for being here. Both of them have inherited these problems, as have many others before them. I think that their hearts are in the right place. They want to do the right thing and solve these problems.

But I want to make a couple points here about Indian school construction.

I am enormously distressed, and have been for a long while, about what's happening with respect to our trust responsibility for Indian education. It has been some years now since, on a cold winter's day, I walked between the portable trailers on the Ojibway School at Turtle Mountain and saw exposed wiring, and saw a whole series of things that ought not exist in school buildings. That's a school that is not a stranger to anybody who has read the reports; there have been reports that say that that school has serious problems for those young children, and yet when you take a look at the priority list of school construction, it was on it some years ago but is not on it now. You ask people, "How did the list get put together?" They can't tell you. I mean, it really is an outrage, what we face in many of these circumstances.

In February of this year, as Secretary Gover knows, we had a problem down at the Standing Rock Reservation. PCB's began leaking out of light fixtures. On February 4, those kids were removed from that school, and they were put in a gymnasium. Incidentally, that school is still—I think just yesterday or today it is to be declared safe once again and finished, but February, March, April, May, June, those kids were in a gymnasium with wooden stanchions separating the classrooms, very few desks, stifling heat on hot days and noise that was just bouncing around the room. And those wooden stanchions that were separating the classrooms weren't even bolted to the floor. When I looked at that on a Sunday afternoon I thought, "Oh, my God, some kid is going to get hurt here, because one of these is going to fall on them." Those kids were in that gymnasium for 4 months.

Up the road a ways there's a school that is not a BIA school—it's the Cannonball School—it's a public school, but it's on the reservation, by and large, so there is no tax base for it. And the kids go to school in a 90-year-old school, the main part of which has been condemned but is still used. The classes are in little rooms so there is not a half an inch between the desks. The desks are pitched just right together. There are 145 or 150 students, and with the teachers and employees, about 175 people. There's one water fountain and two toilets. You can't plug in a computer to the Internet because the wiring in that old school doesn't accommodate that. They had to vacate a couple of the rooms because sewer gas comes up through them a couple times a week, so they have to take those kids out of those rooms.

It's an outrage. You can go on and on and say that we're sending these little kids through the doorways of classrooms that we wouldn't send our kids through, but it's our responsibility. These are BIA schools. The Cannonball School is not, but Standing Rock School is, the Ojibway School is. These are BIA schools and we have a trust responsibility to solve this problem.

Everybody says, "Well, but we don't have the money." So what's more important? Let's take a look at the 50 or 100 or 200 items that we decide are priorities and say that there are higher priorities than some 6-year-old kid walking through a classroom door, to say that we don't have a priority to say that this classroom is safe? That this classroom ought not to have sewer gas coming up through it? That that kid doesn't deserve to be able to go to a bathroom, that they have to stand in line? That the little boy playing basketball ought to change his clothes out in the hallway?

Shame on us for not addressing this problem. It has been going on and on and on for far too long, and it's time we stopped talking about it and started devoting resources.

I hope the two Assistant Secretaries today who I know personally—and I know they want to solve this problem—I hope they, the administration, and others will engage with us to decide that it's our job, our responsibility—not some future Congress, not some future President—it's our job, and those 6-year-olds and 7-year-olds and 8-year-olds that are going into those classrooms that are unsafe, that are not conducive to learning, they ought to be able to rely on us to do this job right now.

So you, Mr. Chairman, should be commended for holding this hearing. It's exactly what we ought to be talking about. When you talk about the future in Indian country, you don't have a future if you don't send kids through the doorways of good schools, schools they can be proud of, schools in which they can learn. And I just have to say that down at Fort Yates, with that school, while that's fixed and finally done today, those little kids for 4 months were in a gymnasium.

Mr. Gover, the first problem there—I know that you're aware of this because the first tests that went on were tests that produced the wrong answers. BIA sent in some tests; the light fixtures were leaking PCB's, the tests came back, and they said to everybody, "Well, this is all fine." Well, it wasn't all fine. The tests were all screwed up. Now, of course, what happens once we discover that, everybody is suspicious. "Well, did they not care about our kids," and so on and so forth.

So I am sorry to take so much time here, but I do want to say that this is a critically important issue. If I help get anything done in Congress, I hope it is helping with you, Mr. Chairman, and with the Senator from New Mexico and my colleague from North Dakota and others who care about this problem, to get this problem solved in the interests of those children.

Mr. Chairman, thank you very much.

The CHAIRMAN. In order of appearance, Senator Conrad, did you have a statement?

STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator CONRAD. Thank you, Mr. Chairman.

In January both Assistant Secretaries came to North Dakota, and we went to one of the schools that Senator Dorgan has mentioned, Standing Rock High School. I have mentioned it several times in this committee. It is a school that was designed with open architecture, which means you can't hear yourself think. It was designed with a heating system that does not work in North Dakota winters. It was designed, I am sure, by a wonderful architect from the southwest, but it was somebody who had no experience with northern plains winters. The result is a situation that just doesn't work. It's chaos.

When we look at the budget, we're not on the priority list. Senator Dorgan indicated one of the schools was on the priority list and then disappeared from the priority list, and nobody can tell you how that happened.

Mr. Chairman, the long and the short of it is that I think we as a committee ought to do something that's unusual. I just don't feel comfortable with "business as usual." Year after year we hold these hearings. We complain; nothing happens. I really think that as a committee, we ought to ask to meet with the President of the United States, and we ought to go up there and lay this out and just say, "Look, we can't just do business as usual. This is a national priority. This is one place where the Federal Government is responsible for the quality of the schools." You know, we're not responsible for most schools because it's done at the local level and the State level, at least the vast majority of funding. But here, we are responsible. The buck stops here.

Mr. Chairman, just as a suggestion, I would offer that we as a committee ask to meet with the President to devise a plan to actually solve this problem. Otherwise, we are going to be meeting here 10 years from now and we're going to have the same litany.

So I would just hope we could step outside the usual process to try to make something happen.

I thank the chairman very much for holding this hearing.

The CHAIRMAN. Thank you.

Senator Domenici.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Mr. Chairman, thank you for calling the meeting.

Mr. Secretary, it's great to have you here. Things must be going reasonably well because I don't hear from you very much, and I don't hear about a lot of commotion in the BIA. There probably is plenty, but at least you've got a much better handle on things, and I want to repeat that politics has nothing to do with this issue. We have to solve this problem.

To my fellow Senators on the other side of the aisle, I don't know if you or your staff have mentioned what went on on the floor yesterday, but I had a very good suggestion yesterday. I suggested that since everybody had a wish list and they put it on that tobacco tax bill, maybe we ought to put a wish list on there to pay for all the Indian school renovations that are necessary, and do it over a 5-year period. Kids coming through our Indian schools that don't get a chance to go to an appropriate school are also victims of smoking cigarettes, of using drugs, and there is some relationship to having better facilities and better schools. So it's not as farfetched as some of the programs that are requesting funding in that bill.

Frankly, if it goes on a long time and we still don't get a resolution, I am going to offer an amendment on the floor to pay for the Indian schools that the Government owes out of that bill.

Mr. Secretary, when you begin to testify, I would greatly appreciate it if you would tell us whether the Secretary of the Interior is in fact proceeding to try to find a multiyear solution to this problem. We had him before an Appropriations Committee; I was there, and I brought up the subject, and I made a point, and I'll make it again here today. Whether or not the President's proposal to help subsidize inner city school construction in the United States through whatever means—one means is to write off some of the interest; another means is to subsidize them—my suggestion was that before we take care of schools that we don't own, that the U.S. Government doesn't own and is not obligated to support, we ought to take care of our own business. And while other schools in America need the Federal Government's assistance in various ways, nobody is going to build the Indian schools. In that bond program for the inner cities, you can cut interest rates on some of their bonds, Mr. Chairman, but nobody is going to build these unless we appropriate the money. And I urge that we insist, as public servants and policymakers, that the President put in his next year's budget no longer than a 5-year program to pay for the entire shortfall in the Indian school buildings in the United States, both for maintenance and construction. A 5-year program is doable, and they ought to do it, and they ought to put down that it's going to get rid of all of the problems with reference to construction and at least bring Indian schools to the minimum standards that most of our non-Indian students are entitled to.

I am going to put an amendment in—and I hope you all would help me—on the Interior bill, requesting just that of the President. In the bill, upon appropriations, we're going to ask the President to submit next year a no longer than 5-year budget that will totally solve this problem, and tell us how he will pay for it. We will never get much more money than he puts in, until the President of the United States—or some President—puts in more of a request in the budget.

Now, I will tell you that there is an added problem with Indian colleges which we're not necessarily talking about with the same concern. But the U.S. Government either is in the business of paying for the colleges that are Indian colleges, or we are not. And maybe we ought to discuss whether we are or we are not, because it is a very large group of community colleges, and frankly, the total cost to bring them up to standard is enormous, like $1.5 billion. That's the combination of the two, $800-something million for the elementary and the rest for the colleges.

So I am not at all sure that we're going to get there without the administration clearly finding a way.

Let me also suggest—somebody will bring up, "Let's use bonds," but all of you here understand that that's not relevant to Indian schools that we have to pay for ourselves. What's there to bond? I mean, the Federal Government owes the money to itself, so we're going to issue bonds? And say, now we owe it to ourselves, because the bonds pay for it? We just have to pay for it ourselves, unless we want to find a new construction-type program or have contractors pay for it, and we pay them over 10 years. I had not thought of that until recently; we could try that, something like that.

In any event, I look forward to the testimony here. I also want to tell the members, we're going to have a new OMB Director who is going to come before our committee for approval. I am going to make sure that he understands that we are very concerned. We need OMB's support; we have somebody here from OMB, don't we?

Mr. BERRY. No; Assistant Secretary for Budget from Interior, sir.

Senator DOMENICI. Anyway, I think we ought to ask the new OMB Director to be very concerned about this situation. Maybe you all could help on that side on that.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Johnson from South Dakota is here with us today. He is not on the committee, but he is vitally interested in this.

Did you have a statement you would like to make, Senator Johnson?

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Just very briefly. I want to thank you, Mr. Chairman, for permitting me to sit in for a time on this very important hearing this morning.

I can't think of a more serious issue facing the native American community and a more serious responsibility that the Federal Government has than the future plans for enhancing the quality of education in our tribal schools and doing something about the enormous funding backlog that we have facing those schools. There are some 23 BIA schools in my State of South Dakota, and I want to thank Kevin Gover and John Berry for taking time very early after their appointments to visit South Dakota with me. They traveled to Aberdeen, down to Crow Creek, over to Lower Brule, and had a first-hand opportunity to see the kinds of circumstances that a great many of our native American children are facing with deplorable school conditions. I look forward to continuing to work with them very closely.

I also want to thank and commend Chairman Domenici for his leadership that has been longstanding on native American school issues. I serve, among my other assignments, on the Senate Budget Committee, and he and I have worked together in trying to see what we could do to free up some additional resources. We have not been as successful as we would like, but on the other hand, in large measure because of Chairman Domenici's leadership, we were able at least in the budget resolution to double the funding available for school construction from $86 million to about $166 million. Now, that is discretionary funding; it does not guarantee that the funding will actually occur. We also were able to get a sense of the Senate on the floor of the Senate, concurring with the need to reduce the backlog of school construction over these next 5 years, and we need to be very, very aggressive in that measure.

I have for some time been working with tribal leaders in my State on—what has been a very frustrating issue. Not long ago I visited the Marty School, which is on our Yankton Sioux Reservation. It took them 14 years to get to the top of the school renovation list. At the end of 14 years the conditions were so deplorable that they went to the back, then, of the school replacement construction list. So it is literally generations going by, waiting on lists, with nothing ever happening.

We have some 60 BIA schools in need of utterly complete replacement right now, in the Nation, and at the rate that we're replacing them, about 1 to 1½ per year, the list grows longer. We're losing ground under our current school replacement and renovation mechanism.

I am pleased that among the witnesses before the committee today is Jon Whirlwind Horse, a good friend of mine, and a leader with the Dakota Area Consortium of Tribal Schools. He will be testifying about the DACTS effort and their experience. We have been trying to think outside the box, DACTS has; we have been talking about bonding mechanisms and all kinds of things that are extraordinary efforts, but I think that those discussions are a reflection of the deep sense of frustration over our lack of success at securing the appropriations levels that are justifiable and that are required to really significantly address the school renovation and repair needs.

We have now over half the native American population in the country—and it's true in South Dakota—that are under the age of 24. Levels of poverty, dependence, and disease remain extraordinarily high. There is no silver bullet out there; there is no one panacea strategy, but it has always seemed to me, over my years of representing the nine Indian reservations in South Dakota and the amount of time that I've spent talking to our Native American leadership and just evaluating the circumstances, that the premiere strategy to break this circular problem of poverty and all the social dysfunctions that go with that, is a greater emphasis on high-quality education to empower individual native American citizens to make their way better in their lives and for themselves, to expand the economies of their regions, but only education will get you there. We have an enormously high dropout rate. We have low morale. We have all kinds of problems on most of our reservations, certainly in South Dakota. It seems to me that a renewed commitment to education from our early Head Start programs all the way through our tribal college programs is probably the single most effective strategy that we could embark upon. Bricks and mortar won't do it all, but there has to be something better than what we have right now in terms of improving our school facilities.

This is a Federal commitment. There should be no philosophical argument here. We have philosophical arguments about the President's education initiatives and what is the proper role of the Federal Government, and those are legitimate debates to be had, but in this case these are Federal structures. These are Federal commitments. There's no question that this is our responsibility. We're not talking about new programs here; we're simply talking about living up to the obligations that the Federal Government has long had and has failed miserably to live up to.

So, Mr. Chairman, I really am appreciative of your willingness to hold this hearing to focus greater national visibility on what I think is a shameful circumstance and one which I think the rest of the U.S. Senate needs to be better apprised of, and that is our—so far—utter failure to meet our financial responsibilities to maintaining quality education in Indian country.

Again, I will submit a statement for the record, but I thank you for this hearing and I look forward to the testimony from all the witnesses.

[Prepared statement of Senator Johnson, appears in appendix.]

The CHAIRMAN. The Senator's statement will be included in the record.

Our first panel will be John Berry, Assistant Secretary, Office of Policy, Management and Budget, Department of the Interior, and Kevin Gover, Assistant Secretary for Indian Affairs, Department of the Interior.

John, why don't you go ahead first, since I mentioned you first?

STATEMENT OF JOHN BERRY, ASSISTANT SECRETARY, OFFICE OF POLICY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. BERRY. Thank you, Mr. Chairman.

I want to thank Senator Dorgan, Senator Conrad, and Senator Johnson for your hospitality in January. You warmed up a chilly State. I really am appreciative of that. Thank you very much. And Senator Dorgan, thank you for your quick action; I think it took 2 hours from a phone call when we talked about the PCB action in the supplemental, to when you had some funds in to help us out, and we are deeply appreciative in the Department for how quickly you came into play there. So, thank you.

Mr. Chairman, Senator Domenici, thank you for the opportunity this morning. If it's OK with you, Mr. Chairman, I will summarize my testimony and just submit the prepared testimony for the record——

The CHAIRMAN. Your complete testimony will be included in the record.

Mr. BERRY [continuing]. So that we will have more time for a dialog, because I think you hit on some critical points.

You will have no disagreement from either Kevin or me today that the need is legitimate and the need is significant and the need is huge. With 53,000 students that we have the sole responsibility for educating, it is absolutely critical that we rise to the occasion.

The maintenance needs are huge. You have report after report; you have most recently a GAO report which confirms this. Kevin and I have been out to the schools and we have seen it with our own eyes. The needs are incredible, and some of the facilities that the children are in are outrageous, and we need to be about repairing them and fixing them.

On the other hand, I need to also assure—and I want to be here to assure you from the Department's perspective—that we are extremely confident in the estimates that BIA has provided you and that they have been sustained and supported by the GAO as to what the need is, that the need is highly credible, and BIA's efforts to manage this project are also credible. Their estimates are one of the best in the Department.

I came in the door the first week of November after confirmation by the Senate. Kevin was acting and came in shortly thereafter, but both of us immediately went to work with the budget for this year to prioritize BIA's Indian education construction. And in the President's budget request, we were able to convince the President and OMB, and we secured a 60-percent increase in the funding request for Indian school construction.

One of the most critical things that this committee can do this year is to hold onto that increase, because Kevin and I have pledged to continue to fight. This increase is not enough. We need more increases to meet the problem; there's no question about that. But as you well know, a 60-percent increase is not easy to come by in an era when the budget overall is in a declining mode. And if we are not successful in securing that funding in this year's appropriations bills, our opportunity to be successful in getting an increase in next year's Presidential budget will be very much worsened. The difficulty will be greatly increased because OMB and the President are going to take the position, "Why should we set aside funds for something we know the Congress isn't going to approve?"

So what I would ask for from the committee is your aid and assistance, if we can at least secure the Presidential request for Indian school construction, it will be the most critical thing that can be done in helping us advance increases in funding for the future. I can commit to you that we are about doing that. The Secretary, Kevin and I will work very hard toward reaching that goal.

In my role as the Department's chief financial officer and management officer, I have set three goals—not just for BIA, but that have applied to all of our land management agencies that have construction backlog issues, the Park Service, Fish and Wildlife, and Bureau of Land Management as well—we have set three things. One is to make sure we have credible information for the Congress; two, that we build and define standard definitions, so that you will know when we talk about backlog or construction maintenance backlogs, you can be assured that there are standards that are being applied that are the same as are applicable in the private sector; and three, we are about—and we will prepare and submit to the Congress a 5-year plan, not just for BIA, but for every bureau of the Department of the Interior that will come to you in the fiscal year 2000 budget. I promised that to the Appropriations Committee and we are on schedule to do that, for BIA, the Park Service, Fish and Wildlife, and for BLM. I think you're going to be pleased with those numbers.

As I said, I come back to our opportunity—we asked for an increase and were successful in the President's budget this year for dealing with the Park Service backlog, as well. And again, if we're going to be successful in dealing with these backlog problems, hopefully we have to see that translated from the budget request into the appropriations bills.

Kevin and I are developing an aggressive plan to tackle the backlog. We need to get the backlog behind us, just what Senator Domenici has nailed on, hitting it with this 5-year plan. We ought not be talking about backlog; I look forward to the day when we can come before you and we can be talking about, "What do we need for annual maintenance?" So that when you have a hole in the roof the size of a nickel, we can fix it before it becomes a hole in the wall the size of a couch, or the roof falls in, which is where we are right now. We are about repairing the holes in the walls and shoring up the roofs. We need to get that behind us so that we can then talk about what our annual maintenance level is that we need to keep this problem of backlog from ever occurring again, and that's our goal that Kevin and I have set for our watch here at Interior.

So with that, I just look forward to working together with you on this plan. Again, we just believe that the most important thing you could do for Kevin and me in helping with the priority with OMB is protecting that increase that we've gotten in this year's budget, because if we're not successful, our chances next year will be that much harder.

So thank you. I appreciate the generosity.

[Prepared statement of Mr. Berry appears in appendix.]

The CHAIRMAN. Kevin, would you like to proceed?

STATEMENT OF KEVIN GOVER, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. GOVER. Thank you, Mr. Chairman. I just want to join John on what he said, and particularly thank Senator Domenici and Senator Johnson for your work on the Budget Committee. It helps us in our discussions within the administration when we can say, "Look, the Senate Budget Committee agrees that this is a priority." So we are grateful for that, and we know that that's not real money yet, but obviously it is going to help us in the future.

John has just described what we would like to do in the next fiscal year. I would like to take it a couple steps further and talk about what we hope to do in the future.

First of all, we would like to finish the replacement school priority list. It's been around since 1993. It has taken far too long to deal with it, but the end is in sight. Our fiscal year 1999 budget request would effectively deal with half of it, and we could finish the rest in the fiscal year 2000 and 2001 requests, if this year's request is granted.

We are at the point where we're about to begin preparation of a new priority list, and we are working right now with a small group and consulting with the tribes on what the criteria ought to be for this new priority list. Obviously, the current list has shortcomings; it does not include every school that we think needs to be built. There's no question about Marty, Ojibwa and Standing Rock Schools; those are all facilities we would like to be able to replace. The grim reality, and it's one that troubles me every day, is that replacing Marty means that some other school doesn't get replaced. To replace Standing Rock School, means some other school located elsewhere else doesn't get replaced that needs to be replaced just as badly as those. It's just a grim reality of the limitations on what I can do in my position.

Let me also talk about how we plan to manage this money. Much of the fault, obviously, for the time that it has taken to spend money appropriated by the Congress is in our own management and administration. Even before I got to the Bureau, however, the staff was already taking steps on how to do this job better. We believe we've developed a system where we can cut the time from when a school begins to be planned to the time when it opens its doors to the students from 7 years to something between 2 and 3 years. In fact, we have been successful in one case in building a school that quickly, and we think that we now have a system that will allow us to do that.

What's most important and the biggest help in that regard, is that these funds are usually contracted to the tribe or the tribal school board themselves so that they can do the construction, they can be there to administer the contract and be certain that the construction is proceeding in the way that they would like. We want to expand on that process, and get ourselves more streamlined to simply be in a position to provide whatever assistance the tribe needs to carry out the construction activity.

John has already described to you the 5-year plan that we have. There is no need to go back over that.

Let me talk about a couple of ideas that we're working on for the future in terms of the actual funding of these.

We are interested in finding some new approach to doing this. While we are somewhat intrigued with the notion of building schools immediately and paying for them over the long term, we're not able to identify a way to do that at this point that really fits within the current rules that both the administration and the Congress have for making budgets. If we take on a large debt now to build a lot of schools, that is scored as this year's money unfortunately. So we can't do that, and it would require some very significant changes that may be a little bit beyond everyone's ability, everyone in this room. It's an unusual thing, unfortunately more and more unusual, for Members of Congress and members of the administration to be in one place and all agree that this is something that has to be done. Surely, between all the considerable authority and intellect gathered in this room, we can find a way to do it.

We have been introducing an idea among the tribes—in fact, it was the tribes that introduced the idea to us; they came to us and said, "Look, would you help us and move us up the priority list if we were to pay for some part of the school construction ourselves?" Well, that's the sort of thing that you don't want to discourage. So we would like to build into our new priority list, when we undertake that, a process by which a tribe could be rewarded for doing that.

Now, the problem will be that some communities simply don't have the resources to contribute to school construction, and we want to be careful not to prejudice their place in the priority list at the same time.

So we're sort of working with some ideas on how to both reward tribes that want to put their own resources into school construction, and at the same time not detract from the efforts of communities that aren't so fortunate to be in that position.

As you all know, we have an enormous backlog in facilities improvement and repair. It is very much to John Berry's credit that he was willing to brave the North Dakota winter to go out and look at these schools, and it was the first trip for each of us, actually, into Indian country to see for ourselves what's going on out there.

The situation is dire. I have been more and more impressed with the way our education program, the actual instruction, is carried out. Those classrooms are full of bright-eyed kids. They obviously like to learn, and the problem right now is that we have to have a place for them to learn. This is one of those rare issues where money really is the answer. I think that our construction program will continue to improve. I think that Joann Sebastian Morris has the education program on a good track, but right now the challenge is to provide the facilities that our teachers and our kids need to continue to improve their performance.

And so with that, Mr. Chairman, we really look forward to working with you and the members of the committee and the entire Congress on finding a way to deal with this issue.

[Prepared statement of Mr. Gover appears in appendix.]

The CHAIRMAN. I thank you both for appearing.

In the days of spending constraints and revenue-neutral budgets and so on, we sometimes have difficulty finding all the money that's needed for all the different programs.

Let me ask you a couple of questions, first of you, John.

Would you support an increased allocation for Bureau schools if we made the offset by decreasing other Interior construction programs? I know it's kind of a "rob Peter to pay Paul" thing, but sometimes we have to make choices.

Mr. BERRY. Senator, what we have tried to do this year is—we couldn't do the 5-year plan for this year. When I came in in November we just didn't have the time to build a 5-year plan.

And so what I did was, I went through and we threw out—all of the lists were a mess, except BIA's, again, to the credit of the Bureau of Indian Affairs. But we threw them out and we started over, and I said, we need to have some sense of priority when we're talking about backlog in construction and maintenance so that Congress knows what we're doing. And I prioritized by saying, "For this year, let's target projects that affect the immediate life, health, and safety of the public, and let's take that look through each of our agencies and identify the projects that we ought to get to first."

Now, obviously, BIA's—when you're talking about affecting the life, safety, and health of children—is an incredibly high priority. But in the same situation, that same priority we went through with the Park Service, for example, the facilities that we have identified—it's a heck of a tradeoff, because I can show you—you have the list; we've given it to you—it's the first time that Congress has ever received a detailed list actually showing you where every penny would go for each project in our Bureaus. So if we take that off, you can immediately see the tradeoffs, so that if we were to cut $10 million out of the Park Service, you just start from the bottom of our list and work up, and you can see the projects that we'd be taking out there that also affect life, health, and safety this year, unfortunately.

I would hate to say that one is prioritized over the other because they both have tried, within each of their categories, to build that prioritization in this year. We've tried to show that to you. They are very tough decisions.

The CHAIRMAN. OK, thanks.

Mr. BERRY. I would just hate to see—for example, youth could be hurt in the parks, as well, if we don't——

The CHAIRMAN. I understand. I used to be the chairman of the Parks Subcommittee, and I've visited a lot of parks and a lot of Indian schools. From my perspective, when you speak about life, health, and safety, the parks are in a lot better shape than the Indian schools are.

Have you, in your prioritizing, done a review on some of the existing Indian school facilities regarding things like lead paint or asbestos or contamination? Senator Dorgan alluded to that in his opening statement, about some of the real health concerns.

Mr. GOVER. Mr. Chairman, lead paint and asbestos we've done in the past. However, after we had the PCB problem at Standing Rock, I ordered a national inspection so that we could identify all the older light ballasts that might contain PCB's. So we will know within the next couple of months what the inventory is. We're hopeful that it's small, but we felt it necessary to have somebody actually do those inspections in the schools.

The CHAIRMAN. I know that there is pretty extensive use of portables in Indian schools now. Are portables used for other Interior Department facilities, too? By the way, these portables that I've seen at Indian schools, it is my understanding that most of them are supposed to be temporary, but they become permanent. They just don't get beyond that stage.

Mr. BERRY. We have a number of facilities. For example, Mr. Chairman, for park housing, a number of our park employees are in portable housing units and temporary construction things, like the World War II facilities that used to be on the Mall, that tend to last long beyond their temporary status. Part of our effort in all of these efforts is to eliminate those throughout the system.

My hope is that, when you see the 5-year plan, it will give you a window where you will be able to see the drawdown and the elimination of each of these problems, the safety problems, the temporary facility problems, and elimination of the backlog.

The CHAIRMAN. Kevin, would you address the Lac Courte Orielles elementary school situation? It's my understanding that they were authorized to spend $2.5 million on a school, and instead, through somebody's authority—I don't know who; I would like to know who—they spent $5 million to build a school.

You look a little bit perplexed. Do you know what happened?

Mr. GOVER. What happened at Lac Courte Orielles is they were authorized, and we contracted with them, to build a school of something like 17,000 square feet, and for reasons that certainly escape me, they chose to spend that money to build a much larger facility. Well, with the money that we provided they were only able to build the shell of the building, and not finish the interior.

The CHAIRMAN. Whose responsibility is it now to finish that building, since it wasn't authorized by the Department?

Mr. GOVER. Mr. Chairman, that is the tribe's responsibility.

The CHAIRMAN. Some of the regular public schools offer things like job training and vocational education training so that they can avail themselves of different sources of Federal funding. Do Indian schools qualify for other Federal funds, such as Economic Development Administration funds, perhaps something in the Commerce Department, for that specialized teaching?

Mr. GOVER. I am not aware of the K–12 schools doing that. I do know that a number of the tribal community colleges apply for and receive funds from those programs to carry out their educational programs.

I should ask our Education Director and provide you an answer for the record.

BIA funded schools have been eligible to apply for School-to-Work grants, jointly funded by the Department of Education and Department of Labor. To date, 22 BIA schools implement a School to Work program.

The CHAIRMAN. Could you look into that and maybe get back to this committee, see if we can't find other sources of funding?

Also, you spoke a little bit about a cost-sharing system, which is great for a tribe that has some money. But what is the alternative for the poorer tribes if they simply can't share the costs?

Mr. GOVER. The idea that we've come up with so far is to have two lists, one for tribes that can cost-share and the other for tribes that cannot, because, as I say, it's just not fair to penalize a tribe that cannot contribute. So we don't want to give the tribes that do have some resources a total advantage over those that do not.

So we are considering the idea of two different lists, but I should emphasize, Mr. Chairman, that we have not yet consulted with the tribes on that issue. We will be doing that over the next few months.

The CHAIRMAN. OK. That's all the questions I have.

Senator Dorgan, did you have some questions?

Senator DORGAN. Just briefly.

You are both familiar with the December, 1997 report by the GAO that was done at my request, "Report on the Condition and Cost to Repair Schools Funded by the BIA." This report showed that the BIA schools are generally in poorer physical condition compared to schools nationally, and are generally in poorer physical condition than the inner-city schools in our country. We talk a great deal about the condition of inner-city schools, but the GAO says that the schools that we are responsible for are in poorer condition than the inner-city schools.

Are you quite familiar with this? And have you used this as a road map to begin thinking about the needs to respond to it? I would ask both of you.

Mr. BERRY. Yes, absolutely, Senator. We're very familiar with that report. It's a good report. We agree with its findings, and we have used it—and are using it, and will use it—with OMB in terms of trying to build the President's budget request that will more adequately address these needs.

Senator DORGAN. So you don't dispute the findings, you agree with the findings?

Mr. BERRY. Absolutely.

Senator DORGAN. Mr. Gover.

Mr. GOVER. We agree with the findings.

I should say, as John pointed out earlier, both he and I came on fairly late in the budget process, and with John's help we were able to get more school construction funds than we originally believed we were going to get, but we were not early enough in the budget process to have the kind of influence we would like to have. I think that in coming fiscal years—I should say this, that there are many levels in this government, as you well know, that an agency like the Bureau of Indian Affairs has to climb through to make its case. And one of those levels has always been the Assistant Secretary for Policy, Management and Budget in the Interior Department. I am happy to say that that's not a problem for us since John Berry took over. It's not a problem with the Secretary, and obviously we need to be more persuasive in dealing with OMB and the White House on this issue.

Senator DORGAN. You know, the response to this problem of Indian schools has always reminded me of a juggling act. Everybody that I've been in touch with on these issues seems to be juggling: "It's somebody else's responsibility," "We don't have the money; it's over there." I mean, it never, never seems to stop. I think the purpose of this hearing is to say that it must stop. We have a responsibility for these kids; regrettably, most of the kids in these schools are young children, 6, 7, 8 years old. An 8-year-old said to me recently, in touring one of these schools, "Mr. Senator, could you buy me a new school?" [Laughter.]

Well, the answer, regrettably, is no, not under these conditions. But that third-grader, and second, and first, and fifth, and sixth-grader, they're not here lobbying. I saw a fellow come into the Senate chambers one day and he had $177 million in an amendment to a favorite Defense project, provided that the administration would ask for it. The administration didn't ask for it, but the amendment passed, saying, "We'll add the $177 million if the administration asks for it," to this particular program.

But it occurred to me that there are a lot of powerful constituencies around here, I guess, but 6-, 7-, and 8-year-olds aren't coming to Washington because they're in school. They're grade school kids, and too many of them are in school in classrooms that aren't safe, aren't conducive to learning, aren't good classrooms. We have a responsibility; as I said when I started, shame on us for not having long ago addressed this problem the way that Congress and the administrations—I say administrations, plural—were required to address it.

I hope that the juggling now ends and that the work of the Senators here and others, including the President and the two Assistant Secretaries, will result in our being able to tell these young kids that "When your school is in disrepair, it will be fixed. When your school is in need of replacement, yes, we will build you a new school."

These are trust responsibilities of the Federal Government, and they can't be juggled any longer without desperately sacrificing the safety and the capability of learning for these young children.

Mr. Chairman, thank you.

The CHAIRMAN. Senator Domenici.

Senator DOMENICI. First I wanted to apologize to you, John. I fully know who you are; in fact, I remember when you came to my office about your accepting this job, and my very first question, since you were in such a wonderful job, was, "Why would you do this?" Do you recall that?

Mr. BERRY. Yes, sir.

Senator DOMENICI. You had a very good answer, and I think what you told me is coming true.

I have so much information that I think what I'm going to ask you to do for me, Mr. Chairman, is permit me to introduce a packet of information from all of the schools. And incidentally, there has been a great lobbying effort by young children toward this Senator. They have written me scores of letters about this situation and their schools, and I'm very impressed; in fact, I was kind of down in the dumps about 3 months ago, figuring we're never going to make any headway, and just wonderfully a whole packet of information came from these young kids saying how bad it was and how much they liked school, for the most part.

[Referenced packet of information appears in appendix.]

Senator DOMENICI. All of you want to get something done. I tell you that if we don't, nobody will, because this is a problem with just five States, and frankly, a lot of other Senators have very important issues that are not these. But I believe that when they are prompted by the fact that this is our national Government's responsibility, I think they will help us.

In the appropriation bill—we have spoken to the chairman—we will try to get the increase that you asked for. I'm very sorry that that's all you asked for. We doubled that in our budget resolution, and we will be pushing the chairman very hard to do better than you all did.

I don't think I'm going to ask any more questions because we're going to have to leave here for a vote, and we have some very exciting witnesses. I didn't get to tell you that the president of the Navajo Nation, President Atcitty, is here. And for those who want to have any kind of bragging rights as to where more schools are than any other State, I just want to tell you that there are 66 BIA-run schools on the Navajo Reservation, covering New Mexico and Arizona. And if you look at a map of the five States—I know it's too little, but I will just pass it around—it has a little dot for every Indian school. You will see that in the States of New Mexico and Arizona, the dots occupy about one-third of the space, because there are that many schools.

I suggest to all of you that we ought to try to get together on some way to do this budgetwise where we can defray the expense over a long period of time, and nonetheless only require budget authority—which we may be able to scurry around and find, because sometimes there's an excess of budget authorities—the annual payment. And while you're working on it in your shop, we'll work on it up here and work with all of you to see if we can put something together that might make it a contractual commitment and put it in a bill form, and then try to get it into next year's appropriation as funded.

I want to thank you for another thing. I believe the 5-year game plan for getting rid of existing structural requirements and backlog for construction and renovation is absolutely imperative. Around this Congress, while we are generating a surplus, everybody is talking about the kinds of things they want to do with it, and I think every time we can we ought to suggest that there are some Federal Government responsibilities—it's not like inventing new programs to help the States; I mean, we have a very big backlog in our national parks. We have a big backlog here. Sooner or later we have to do this, and if you lead the way for the other departments to come forth with these kinds of programs, you will be giving us and the American people a very good service, and I compliment you for it.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Conrad, did you have any questions?

Mr. BERRY. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. BERRY. I would like to thank Senator Domenici. The Secretary and I met with Senator Gorton last night, asking about the budget request this year, and Indian education was one item that the Secretary brought up with Senator Gorton. He mentioned, "You know, Senator Domenici just called me a couple hours ago and really hammered me on this." He was going to try to help.

So the Secretary and I are very appreciative, Senator, of your efforts in that regard. Thank you.

The CHAIRMAN. Senator Conrad.

Senator CONRAD. Thank you, Mr. Chairman.

Thank you, both John and Kevin, because you have certainly shown more interest in this problem in just your short tenure than we have had before, and I appreciate very much your early response in coming to North Dakota so that you could see first-hand what we're experiencing.

You know, the most successful I have been at getting funding for Indian country was in the JTAC appropriations, where we were able to put $220 million in to pay off claims that were made because of—claims that surrounded the Wahee and Garrison Reservoirs. The way we got the money was to put it in a trust fund, but to prevent any payout until after the 5-year budget window, so it didn't score. We've got these strange rules around here. Not many others have picked up on it, and I've never talked about it publicly before because I didn't want others to pick up on it. But maybe that's one way for us to address this situation, where we would—what we did was, we created a trust fund in the U.S. Treasury, and then we provided that the interest would accrue, but there would be no payout until the 6th year.

So under the bizarre scoring rules of the Federal Government, it didn't score. But I'll tell you, the money is coming. We are now past the fifth year, the money is there, they are getting their first payments, and they are getting the backlog of interest for the 5 years, and it is working beautifully.

Now, that was over $220 million between the two tribes involved. I would prefer that we not have to go through that kind of chicanery, frankly, in order to accomplish the purpose.

Mr. Chairman, would you be open to our requesting, as a committee, a meeting with the President? I just don't know—we do this year after year, and we've had a good leap forward this year because of the special efforts of Senator Domenici and Senator Johnson, which we deeply appreciate. But I wonder if we couldn't have an impact if we asked for a meeting.

The CHAIRMAN. I have already asked staff to frame up a letter to let the other committee members take a look at, to see if they would like to sign on, asking for that request.

Senator CONRAD. I think that would be a helpful step.

Could I go to one other matter? It is a question that Senator Domenici raised about a means of spreading the funding over a multiple-year period, but getting some up-front money. One way to do it is the way I described that we got the JTAC funding, where we set up a trust fund in the Treasury, had interest accrue, but no payout until after the 5th year. Unfortunately, that's a lot of delay.

Another alternative is along the lines of what Senator McCain has proposed. The problem with that is that OMB prohibits long-term lease arrangements that aren't fully funded in the first year. I know that Senator Domenici understands this well because we deal with this scoring problem all the time on the Budget Committee. In other words, a long-term lease arrangement sounds like it would spread the money out, but under the scoring rules the total cost of that—John, I know you understand this—comes due in the first year.

The second problem is that the Anti-Deficiency Act prevents Congress from obligating future appropriations. So those are two problems we face with respect to any spreading out of long-term funding and bringing money forward—in other words, creating a circumstance in which you get the up-front funding, and then you spread out the payments over multiple years. It makes sense; that's what we all do on our home mortgages. That's what any business does when it buys an office building. It doesn't take the full cost in the first year. But that's not the way our Federal budget works.

John, in your examination, is there any way that we could in fact spread out the payments—30 years would generally be the term for a school if you were in the public setting. Is there any way to do that and avoid the problems that I have mentioned with the scoring?

Mr. BERRY. Senator, one of the things we have been talking about—and Senator Domenici has hit on this, with the budget, as you mentioned—we are negotiating with OMB examiners now, trying to see if we can come up with a reasonable proposal that we can bring to the Budget Committees that would allow a more capital-oriented approach—as you mentioned, it is very traditional in the private sector and is very traditional in our own lives—to see if there might be something that we could do within Indian school construction in that regard.

I can't tell you that we have anything yet, but Senator Domenici has hit on a good one, and that is in terms of scorekeeping for this year specific, oftentimes in the Appropriations Committee, and I think they're going to be in this situation this year, there will probably be a surplus of budget authority, and the shortfall will be in budget outlays. The outlays are going to really crimp what they can do with the authority. There will be extra authority. As you are aware, construction outlays very slowly compared to a salary and expense account, so that if by any chance at the end of the day, I think what Senator Domenici was hitting on as a great idea for fiscal year 1999, if there is surplus budget authority laying around, if we could grab it and put it to this purpose, it wouldn't outlay at a rate that would hurt the 1999 budget but could significantly address—we have the list, and we can give you a prioritized list right now. So if Senator Domenici called us up tomorrow and said, "John, we've got $30 million more in budget authority; how would you spend it?" within 3 hours I will have you a list that will tell you how we'll spend every penny, so that if you call up and say that you've got $70 million extra budget authority, I'll give you a list for $70 million.

We can pull off of BIA's computer construction list, prioritized for you on that life-health-safety approach, a list that will meet the needs.

So I think that Senator Domenici has hit on a great idea that hopefully may help this situation.

Senator CONRAD. Let me just ask you—and I agree that that is a very useful idea for this year.

Let me ask you, in terms of the size of the problem that we face, we've got $754 million of backlog in terms of repair; we've got roughly $120 million to finish the construction of the schools that are on the priority list now. Is that roughly right?

Mr. GOVER. A little more than $120 million for the new school construction, but that's close.

Senator CONRAD. So right there we're at $775 million, or something like that. And that doesn't include schools that aren't on the priority list where there has to be new construction, because they can't be repaired. Am I right? Do you have any idea what that number would be?

Mr. GOVER. We don't. That's why we want to proceed now with developing a new list, so we can get a quick grip on that, even in the next fiscal year.

Senator CONRAD. It's certainly possible that that could be hundreds of millions of dollars.

Mr. GOVER. It is entirely possible. At the same time, if we go with new facilities in a number of these places, then the FI&R number begins to drop because right now we're patching roofs instead of building new schools. So that's why we wanted to get some better numbers so we could give you a list to rely on.

Senator CONRAD. Just in these numbers, and this doesn't include the tribal colleges, we're talking about more than a billion dollars, in all likelihood?

Mr. GOVER. Yes.

Senator CONRAD. And this year, what is your anticipation of what will come through the appropriations process?

Mr. BERRY. Senator, it's unclear. The caps have posed a tough problem for the subcommittees. The Senate side is in a much tougher position in terms of the discretionary cap for the Interior Subcommittee than the House. I think you're $150 million below the 302(b) allocation of the House subcommittee. So Senator Gorton has his work cut out for him.

Senator CONRAD. Yes; he has explained that to us in great detail. [Laughter.]

We have met with him on our funding priorities, including these. So $80 million?

Mr. BERRY. I am hopeful. The budget request is for $86 million. Like I say, for next year, if we're going to—I would like to go with an initiative to OMB this fall to request increases over this year's request for school construction. If we're not successful in getting this year's requested increase, it will be much harder to justify an increase over it for next year.

Senator CONRAD. I'm just trying to get in my head what is going to be required to actually do this over 5 years, and it looks to me like we're well over $200 million a year.

Mr. BERRY. Yes.

Senator CONRAD. Well, I appreciate that.

Again, Mr. Chairman, I hope we do go as a committee to the President and get this off of "business as usual" and try to get a breakthrough. I appreciate very much the work of the others on this committee, my colleague Senator Dorgan, and Senator Domenici for his leadership not only on this committee but as chairman of the Budget Committee, and Senator Johnson for his special interest. We appreciate the efforts of all of those, and, Mr. Chairman, especially your leadership on this question.

The CHAIRMAN. I thank the Senator.

I might mention that we have a vote coming up in a few minutes, so we will probably have to take a break. We've been here 1 hour and 10 minutes and we haven't finished with the first two witnesses, and we have four more to go, so perhaps we need to move our questions along a little quicker.

Senator Johnson, did you have any comments?

Senator JOHNSON. Thank you, Mr. Chairman. I will be very, very brief because we do have to move on.

One, I want to concur with Senator Conrad's observation about meeting with the President. It seems to me that with the GAO study indicating that we have a $754 million backlog in repair and replacement needs, a budget request of only 10 percent of the need, on the face of it, is just wholly inadequate.

I also would encourage John and Kevin to continue to work with OMB to investigate ways that we could spread out the cost. This is part of the underlying logic of the DACTS strategy that I've worked with for so long. If we can find a way to approach these costs in a way similar to what school districts and other public and private entities do, I think we need to explore that.

Second, just a quick observation. Your point on investigating tribal cost-share in school construction is something that I think does need to be investigated. I think you ought to pursue that. But again, I want to emphasize with some caution here that school needs and tribal resources do not correlate at all, and that the tribes that are in the best position to come up with significant cost-shares tend to be those that either have significant amounts of natural resources, or have very successful gaming activities going on. As I look at my nine reservations in South Dakota, we have very little in the way of natural resources. We do have Indian gaming on most of our reservations. They tend to be marginal, however, in terms of the ability to return resources that could realistically be turned over for a significant cost-share strategy; yet some of the most impoverished counties in America are South Dakota reservation counties. The need is not greater anywhere. But the counties in the areas that are most impoverished oftentimes are the ones least able to come up with their own independent strategy for school construction, and I am confident that you will keep that in mind as you pursue that angle.

Third, just very quickly, one of the things that we hear from our colleagues from time to time is that the school backlog needs that we have and the budget problems that we have are a reflection of the fact that BIA ought to just get out of education, as it has in some States, and the suggestion that we ought to transition into the public school districts or whatever. Obviously, many of the BIA schools in my State and across the country that remain in place are in very isolated and remote areas where there are not meaningful alternatives, other than to run—hopefully—a quality BIA school. I would appreciate any observation you might have on that.

And also, the current status of unobligated funds within the BIA's Interior accounts I would find very interesting.

Mr. GOVER. Yes; thank you, Senator.

Well, you know the answer to the notion that BIA should not be in the education business. Obviously, if we thought that the State public school systems were able to absorb those reservation communities and really provide that kind of education, then we would be willing to back out. That has not proved to be the reality. We build schools based on certain criteria, which are basically unhoused students and distance from a public school. So we wouldn't be building schools in places where there is already a public school alternative.

So I think Senator Domenici has pointed this out, that this is a Federal obligation; nobody put a gun to the United States' head and said, "Build us a school." The United States said, "We will build schools and we will educate these children." So it is a Federal responsibility.

On the issue of unobligated balances, first of all in the construction accounts, we expect to obligate every penny that we've received this year. I know that in the past we have not always been able to obligate all the funds that were appropriated; that is no longer an issue. In fiscal year 1998 we will obligate all those dollars. We will do the same with whatever funds you can provide us in fiscal year 1999.

Now, in other accounts within the Bureau—and I'll let John address the rest of Interior—we are in a position where, first of all, those accounts are relatively small, especially after we send the tribes the money that they are entitled to. Anything that we can scrape up, we have committed this year to our Trust Improvement Program, because we have so many dire needs just to deal with trust asset management and meet the Secretary's priority that we are going to repair those systems before we leave office. So every dollar we've gotten has gone into that effort. And we're only talking a few million dollars, not enough to do much but scratch the surface of the school problem.

Mr. BERRY. Senator, I would just second what Kevin said. The key is the obligation rate, and we're getting better in managing that in each of our Bureaus, and BIA is one of our best. So the need is there; we're spending the money that you give us as quick as you give it to us. We haven't hit a point where we have a problem spending it yet, so that if there were additional resources that could be applied or could be secured, we could obligate them for you.

Senator JOHNSON. Mr. Chairman, I appreciate this opportunity to join you with the committee here this morning. I have three other committee hearings all going on simultaneously now, and after the vote I may not have an opportunity to come back, despite the fact that we have some extraordinary testimony coming up. I look forward to reviewing that testimony. My staff will remain here.

Again, I thank you for this opportunity to join you here.

The CHAIRMAN. Thank you very much.

I appreciate your testimony, both of you. Thank you.

In the interests of time we're going to combine the second and third panels, so if Thomas Atcitty, president of the Navajo Nation; Jon Whirlwind Horse, facilities project coordinator, Dakota Area Consortium of Tribal Schools; Lorraine Edmo, director, National Indian Education Association; and Jeff Seidel, president, Parkway Muni Resources of Minneapolis—if you would all just come to the table.

Also, because we are going to have a vote and kind of running late on time, all of your written testimony will be included in the record, and I would like you to abbreviate and kind of watch these lights up here, but when that red one goes on, it means it's the next person's opportunity to speak.

With that, we'll start with Mr. Atcitty first.

STATEMENT OF THOMAS E. ATCITTY, PRESIDENT, NAVAJO NATION, WINDOW ROCK, AZ

Mr. ATCITTY. Good morning, Mr. Chairman. Good to see you, my neighbor from Colorado. I am originally from Shiprock. I guess you're the only one left here, with the absent committee members.

I appreciate the level of interest that was displayed by the other members of the committee, and I appreciate the invitation that came from your office, inviting me to testify before this committee. I can understand the reason, as I was given some statistics from our office. Over 37 percent of the enrollment to which the Bureau provides education is Navajo students, and about 33 percent of the schools are on the Navajo Nation Reservation. So I guess we have every right to be heard and to have our needs and concerns brought forward.

I am Thomas E. Atcitty, the Navajo Nation president. As you all know, the Navajo Nation borders into the States of Utah, Arizona, and New Mexico, and covers about 25 million acres of real estate. The population, as I understand it, is growing and exceeding a quarter of a million people.

We certainly have a real interest in our young people. As we all know, in an Indian nation, the first duty of any society is its investment in young people. Navajo is no exception. Education, we believe, is the future; our young people are the ones who will be taking their rightful role in the future of the Navajo Nation, and that's the reason we consider education as a sacred trust, we provide that opportunity available to us at this point in time.

Our children are our treasure because they are our future and they deserve that good education.

We have a treaty that we entered into over 130 years ago. I might mention that we have the original copy on display. It was placed on display a week ago Monday in Northern Arizona University campus at Flagstaff, and will be on display for the entire year. We anticipate using this time to fully educate ourselves as to the provisions of that treaty. We would like to extend an invitation to you, Mr. Chairman, and members of your committee to take the time to help us reevaluate, look at that treaty, and see where we might be able to continue to improve our relationship in terms of those promises that are spelled out 130 years ago. So I think this would be an opportune time for us again to recommit ourselves to what was promised 130 years ago. I certainly would like us to sit down in this coming year to see how we can develop a dialog for further improvement in our relationship with our respective nations.

I am here to address three primary issues in BIA school construction: the need to reevaluate the current priority list system for BIA school construction; the unmet educational construction needs which you have a complete appreciation and understanding of the unmet needs throughout the Bureau schools; and third, you also brought up the alternative needs to address some of these alternative funds.

Under the current system, the BIA provider funds for school construction based on priority lists of elementary and secondary educational facility needs without making any provision for tribal colleges. I am glad that this was also brought up, because I think this is part of our educational program. Education is a continuum, from K through that area of instruction that Native Americans have taken their rightful role in providing for their Indian-controlled community college programs.

We have various programs that are meeting educational needs. One of them is the Seba Dalkai Boarding School, an old school that is located in the heart of the Navajo Nation, way out in a remote area. Last year on Treaty Day, June 1, we sat in a hogan talking about the future of that school with the dean of the University of Southern California School of Architecture. We looked at how the school and the community were planning to make a truly Navajo community school, totally under tribal laws and rules, and maybe even receiving tribal payroll checks. This is the attitude that that community has, of becoming a community school.

Of the top 15 priority schools, two of the schools are on the Navajo Nation. We appreciate the fact that President Clinton has included Seba Dalkai School in his budget request this year. We hope that your committee will support that request because this planning has been one that the community has been working on themselves, we appreciate the fact that they have taken that initiative themselves.

We also need $10 million to refurbish the Aneth Boarding School, the Chinle Boarding School, and the Huerfano Dormitory to correct health and safety regulation deficiencies and provide access for handicapped students; $1.8 million to put new roofs on seven of our elementary and secondary schools; and $650,000 for gas line projects for two other schools. There is a definite need for at least $400,000 for new staff quarters on the Navajo Reservation.

These needs are not part of the President's budget request, and despite these pressing and unmet needs, our schools' maintenance budgets were cut last year, leaving the Navajo Nation with little ability to address the dangerous health and safety conditions of our schools. The Navajo Nation deserves this funding, that will put our schools up to the national public school standards. Under the current system, our children must suffer for many years, trying to get an education in substandard and dangerous facilities, while the schools slowly climb the BIA list. This, to the Navajo Nation, is totally unacceptable.

I was glad to hear Senator Conrad mention that "the buck stops here." I also appreciate the fact that your committee, Mr. Chairman, including you, fully understand our predicament. You do want to correct this inadequate system that we are addressing today, and it will have to get better, as your committee has so adequately addressed.

Our Navajo population, as we all know, is rapidly growing. As you can see from our demographics, Federal agencies reported that the Navajo Nation has an average age of 18, while the average age in the Nation is 32. Our need for new school construction will continue to increase in the years to come.

Let me suggest that the Government scrap the current BIA school construction prior system. We need an immediate infusion of funds for BIA construction, similar to what Congress recently did in the Federal highway bill. You saw the need to maintain the Nation's infrastructure, and you acted. Schools are even more basic to the Nation's infrastructure. I urge you to act now to appropriate an adequate budget for new school construction, and this time do not let the BIA ignore the tribal colleges. They deserve adequate funding as well.

The CHAIRMAN. Mr. President, I apologize. They tell us that our lights are burned out, but we're running over the time, so we'll have to move on to the next speaker, if you would like to wind it down, please. All of your written testimony will be included in the record, too.

[Prepared statement of Mr. Atcitty appears in appendix.]

STATEMENT OF JON WHIRLWIND HORSE, PRESIDENT, DAKOTA AREA CONSORTIUM OF TREATY SCHOOLS, INC., OGLALA, SD

Mr. WHIRLWIND HORSE. Mr. Chairman, I thank you for this honor to be here and I thank you for your leadership in setting up this hearing. I am Jon Whirlwind Horse, the president of the Dakota Area Consortium of Treaty Schools. There's a mistake; Mr. Rapp is our facilities director.

DACTS represents 19 grant schools in North and South Dakota. I offer this testimony on behalf of the grant schools throughout Indian country. This is a plea for help.

The history of underfunding the education of our children has and continues to undermine not only self-determination, but self-sufficiency. We are of the poorest people of the Nation. With raging unemployment, inadequate housing, and health issues, the educational system cannot be allowed to fail. Our schools belong to the Federal Government. It is a Federal treaty and trust responsibility to provide for the education of our children.

Our schools are unsafe, with critical life safety deficiencies. Not only are they a Federal responsibility; they have become a liability for the Federal Government. Why is the Federal Government waiting for a serious injury or the death of a child to fix this problem?

According to GAO, there is a total backlog of $866 million. Each year, with a 3-percent inflation rate of $29 million, a 3-percent deterioration rate of $29 million, and a 3-percent enrollment increase with a needed square footage increase of $29 million, the total increase annually is $87 million. And if nothing is done this year, next year it will be $953 million.

There are over 315 portable classrooms in the present system, with projection of another 40 classrooms to be funded next year. These temporary structures only delay the problem with valuable funding satisfying a short-term need in lieu of a long-term need. At times it appears as if the Bureau is pouring sand down a rathole. The money would be better served toward a new school.

Loneman School in Oglala, SD, was condemned in 1991, but it wasn't on the priority list. The applications were submitted, but we have not seen it on the priority list.

We need to allow new school construction applications to be submitted with the necessary funding for facility needs assessments and space utilization studies. With the student populations growing each year, there is an immediate need for Congress to stop the freeze on school grade expansions. Too many of our children, our most valuable resource, are not attending high school.

The present new school construction priority system needs to be revised and reopened. It is based upon erroneous information from a facility management information system which still has not been updated for years. It is a system which intentionally preferences Bureau-run schools over tribally controlled schools. The Department of the Interior has been saying for years it will be developing a new facilities management information system and will be validating and reassessing the entire facilities backlog and inventory. They have been saying that for years. We ask you to demand the immediate upgrading of the system with the correct backlog information. Only then will Congress see the real problems we face with our educational systems.

We are also at a point where the schools can no longer tolerate the pathetic constraint of our operations and maintenance funding. The enclosed documents in the written testimony reflect the constraint dilemma in the Dakota area. Our 19 schools from fiscal year 1994–98 have been underfunded a total of $14 million. This one factor greatly contributes to the deterioration rate of our schools. The appropriations request in facility operations and maintenance for school year 1998–99 is at 67 percent of need. Nationally, O&M will be underfunded by $38 million this next school year. Schools are not able to exercise any preventive maintenance with this rate. The constrained funds only allow for the operation costs and unscheduled maintenance. The Bureau is manipulating the operations and maintenance formula which will lower the true need, on paper, so that the constrainment amount does not appear as bad.

The schools are presently filing claims to recover their constrained operations and maintenance funding, as they did with administrative cost grants.

We have been promoting working on a bonding bill for a number of years. In practice it is simple and practical. We would leverage existing FI&R and new school construction funds, using the existing financial markets. It seems that those who have reviewed it and helped us develop it find it to be effective and based upon sound financial principles. Public schools, local municipalities, and States do this all the time. But due to budget rules and BIA and Department of the Treasury opposition, we are told that this cannot be done for Indian schools.

Mr. Gover stated that there were too many things that had to be changed. If that were the case, man would never have walked on the moon.

We are told that the administration and the Congress will appropriate the necessary funds to meet the deplorable infrastructure needs within our schools. This has not happened. Once again, the attempts to increase the funding in appropriations was defeated.

In the fiscal year 1999 budget, let us, as a reinvention laboratory or pilot project, privatize the construction of a few schools in the Dakota Area—Ojibwa, Marty, and Loneman. Additional funding for this would show the privatization of finance, design, management, and construction. It would decrease the time from design to occupancy. It would reflect a cost savings to the Federal Government. It would prove that grant schools could account for funds better than the BIA. The BIA or GAO would have oversight and final approval to allow the new facilities into the Facility Management Information Center.

We need your help to make the Federal system a model for the rest of the Nation.

[Prepared statement of Mr. Whirlwind Horse appears in appendix.]

The CHAIRMAN. We are going to help all we can, as you probably know and have heard from the testimony of the other Senators. We are very concerned about this.

I apologize, but we're also going to have to move on.

Lorraine, would you like to proceed?

STATEMENT OF LORRAINE EDMO, DIRECTOR, NATIONAL INDIAN EDUCATION ASSOCIATION, ALEXANDRIA, VA

Ms. EDMO. Thank you, Mr. Chairman. I am Lorraine Edmo. I am executive director of the National Indian Education Association. This is a national association that represents Indian educators, school board administrators, members of many of the school board associations that are here today—the Navajo Area School Board Association has a number of our members; DACTS, as well as the Association of Contract Tribal Schools.

I'll just briefly summarize my testimony since it's rather lengthy. I just wanted to reiterate some of the statistical information really quickly, and that's the fact that the Bureau's schools are growing in terms of enrollment. Since 1992, the enrollment has grown by 24 percent. I'm sure that in the Bureau of Indian Affairs testimony all of these statistics are there, but I wanted to point out that every year the school enrollment does grow substantially. We anticipate that it will continue to grow over the next 5, 10, and 20 years, as well as the conditions in the schools continuing to decline.

In our testimony we noted that in 1991 there was a major hearing held by this committee. We included excerpts from Dave Matheson's testimony, who was then director of the Office of Construction Management, where he highlighted some of the same concerns that are brought out today in this hearing. During that hearing one witness estimated that the backlog at that time was $850 million. The 1998 estimate, as you know, is well over $750 million, and on top of that the need for construction is $112 million. The fact of the matter is that these problems haven't been very well addressed over the past 7 years since that hearing was held in 1991.

I think today we heard some possible solutions come out at this hearing, and I wanted to thank you, Mr. Chairman, for agreeing to hold this hearing on school construction needs, as well as all of the other Senators who were here. I think that they really have the interests of Indian people at heart. I think that they have come up with some of the solutions right here this morning. I liked Senator Domenici's proposal to try to include in the tobacco settlement legislation an amendment to try to fund the school construction and renovation needs over the next 5 years. I think that that's one of the best solutions that I've heard in the last several years. We would be willing to work with him in coming up with an amendment that would fund these schools.

I was also pleased to learn from Assistant Secretary Gover's testimony that the Bureau is working on a new Facilities Management Information System which would hopefully be operational in late 1999, and that would replace the old FACCOM system that the Bureau has been using for the last 20 or 30 years. I think that would really help to alleviate a lot of the problem in getting the facilities actually repaired and built.

I just wanted to say that we fully support the President's request and the Bureau budget, which I believe was around $86 million, and we appreciate the efforts of the three Senators—Senator Murray, Senator Johnson, and Senator Domenici—in adding to the Senate budget resolution the $60 million additional for the schools. But there is still the major obstacle of trying to get that money appropriated through all of Congress. Last week, on June 5, the House passed its budget resolution which, as we all know, is just the overall guideline for the budget, but still that House budget resolution was $1.1 billion below last year's level for domestic discretionary spending. I think the major obstacle that we're going to be facing in the next few months is just trying to get some money appropriated in this process.

But added to this is also the transportation bill that was just signed into law, because that's going to cost an extra $200 billion over the next 5 years. So we have all of these obstacles that we're going to have to try to have Congress work out. But I think Senator Domenici's proposal was really a good proposal, in trying to get some of that money from the tobacco settlement.

I think we're going to have to look at more innovative ways of trying to get money into the schools. Back in 1995 we did support——

The CHAIRMAN. I'm sorry to interrupt you. We've gotten a call and we have to go to the floor now.

[Prepared statement of Ms. Edmo appears in appendix.]

The CHAIRMAN. Let me mention just one thing on the tobacco settlement. As you know, if you've been following the debate on that, it's pretty convoluted. If you have warts, acne, bad breath, or hangnails, or anybody does, somehow there are people running down there with amendments to fit them into the tobacco settlement. It's gotten so convoluted, in fact, that we're not sure what's going to pass. It's still on the floor, but they hope to wind it up this week, and probably will. And even though I support Senator Domenici's idea, I kind of have a hunch that it will run into some kind of a brick wall on the floor. But I know that he is concerned, as all of us are, with trying to find a solution to getting the funding for the schools.

I apologize that we're going to have to close the hearing without hearing from Mr. Seidel and without being able to ask some questions, but we do have about three or four for each one of you. What I want to do is to submit those in writing to you; if you could answer those questions, I would appreciate it.

One of the unfortunate things around here is that we never seem to have enough time to be able to get through a complete hearing without five other things demanding our attention on some other parts of the Hill. That just happens to be how the Senate works, as you know.

But I do appreciate your being here, and I am sorry, Mr. Seidel, we won't be able to get back to you because we just won't be able to get back here and there are no other Senators to be able to take the Chair. But thank you for appearing, and I do appreciate it. Your complete testimony will be included, and the record will stay open for 2 weeks if you have any additional comments.

[Prepared statement of Mr. Seidel appears in appendix.]

[Whereupon, at 11:10 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. PAUL WELLSTONE, U.S. SENATOR FROM MINNESOTA

According to the General Accounting Office, it would cost $754 million to repair all of the BIA schools in serious need of repair or replacement. These schools are all among schools in the worst condition nationwide, including inner-city schools. I have visited schools in this condition, including one in Minnesota, and I can tell you, there is no reason a student in our country, especially as we move into a budget surplus, should be asked to try to learn under these conditions.

For decades, we have stressed the importance of education in preparing our children for the future. Study after study has shown that a person's level of education has a direct impact on their standard of living. Many of us have undertaken efforts to convince children of the importance of education and the need to stay in school. Imagine, then, the confusion of those children when they arrive at school to find the ceilings and wall coverings falling down and their classroom a broken down trailer situated in the middle of a field. Such conditions do nothing to instill a sense of importance in education. If anything, our inaction convinces these children who attend these schools every day that education is unimportant enough that we will allow these schools to fall into horrible disrepair.

As many of us well know, and are very frustrated about, there is a list of schools which have been waiting for funding for new facilities. This list has been frozen by the BIA since 1992. It is estimated that it would cost nearly $100 million to complete the remainder of the schools on the BIA school construction waiting list. Unfortunately, we have only been funding, at most, one or two schools each fiscal year, while at the same time, other schools that are not on the list, are slowly falling apart. At the current rate we will never adequately address the mounting number of unsafe school buildings on Indian lands, increasingly forcing our American Indian children to attend classes in decrepit and unsafe environments.

For example, there is a pending crisis at the Fond du Lac Ojibwe School in Minnesota. The current facility there is in extremely poor condition and is not large enough to handle the current student population. In addition, the school is in violation of both building codes and BIA space guidelines. In a recent study contracted by the tribe, many serious safety and health problems were documented, including large amounts of visible fungal growth on many of the ceilings and walls in every building of the school, evidence of severe water damage on the carpets and ceilings, as well as extremely high numbers of microbes which cause a variety of health problems.

This hearing is timely. We need to find a way to address these problems, like the one faced by the Fond du Lac Ojibwe School, by completing construction of the schools on the current waiting list and addressing the serious BIA school repair and replacement backlog. To do so we need new ideas and innovative financing mechanisms. If we continue on the road we are on we are doing a serious disservice to our young people in Indian country.

PREPARED STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Mr. Chairman, I want to thank you for allowing me the opportunity to participate in today's hearing on Bureau of Indian Affairs school facilities. Equitable education for Indian children on and off reservation is one of my highest priorities. As you know, I have focused on this issue throughout my service in Congress. Of the 173 BIA-maintained school facilities nationwide, 23 are located in South Dakota. I am deeply concerned about the conditions of school facilities on reservations in my state and across the country, and have worked with tribal leaders to explore alternatives to the unacceptable facilities maintenance and repair funding crisis currently faced by tribal schools.

The BIA schools are in a unique situation since they are Federal property and are therefore the responsibility of the Federal Government. In January of this year, the General Accounting Office confirmed the backlog in BIA school repair and replacement at $754 million. The GAO found that Indian school facilities operated by the BIA are generally in poorer physical condition compared to other schools nationally, even inner-city schools. In fact, 62 percent of BIA schools have at least one building in need of extensive repair or replacement, compared to 33 percent of all schools nationally and 38 percent of central-city schools. Yet, in fiscal year 1998, the Congress provided funding to meet less than 7 percent of these school restoration needs. Even in these times of fiscal constraint, we simply can and must do better.

There are strong historical and moral reasons for continued support of tribal schools. In keeping with our special trust responsibility to sovereign Indian nations, we need to promote the self-determination and self-sufficiency of Indian communities. Education is absolutely vital to this effort. Fifty-six percent of the American Indian population in this country is age 24 or younger. Consequently, the need for improved educational programs and facilities is pressing.

During Senate consideration of the fiscal year 1999 budget resolution, I worked closely with Senator Domenici to identify an additional $80 million in the budget for BIA school construction, bringing the total budget allocation to $166 million for fiscal year 1999. I also offered an amendment on the floor which expressed the Sense of the Senate that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a 5-year period, and that the President should submit to Congress a plan for the orderly elimination of this backlog. This amendment had 11 cosponsors and was agreed to without objection, calling attention to this critical problem and putting the Senate on record in favor of eliminating this backlog over the next 5 years.

Clearly the $166 million in the fiscal year 1999 budget will only begin to address the GAO confirmed backlog. Annual appropriations for BIA school construction and repair have run between $20–30 million a year. At this level of funding, the backlog has increased by over 80 percent during the past 10 years. Allowing the continued deterioration and decay of tribal schools through lack of funding would violate the government's commitment and responsibility to Indian nations and only slow the progress of self-sufficiency. I continue to believe that the Federal obligation to tribes must be maintained, and that the most fundamental of all of our treaty and trust responsibilities is equitable education for Indian children.

Mr. Chairman, I am encouraged that the Administration has taken renewed steps to prioritize Indian education issues. Both of the Administration's witnesses today, John Berry, Assistant Secretary for Policy, Management and Budget, and Kevin Gover, Assistant Secretary for Indian Affairs, have been very responsive to my concerns on this issue, and have heightened awareness within the Department of the vital role of BIA schools in reservation communities. I appreciate their work so far and I am committed to continued work with them and with your Committee to ensure that future budget requests address and eliminate the BIA school facilities backlog.

STATEMENT BY
JOHN BERRY, ASSISTANT SECRETARY - POLICY, MANAGEMENT & BUDGET
DEPARTMENT OF THE INTERIOR
BEFORE THE UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
CONCERNING BIA SCHOOL FACILITIES AND CONSTRUCTION
JUNE 10, 1998

Mr. Chairman, members of the Committee, thank you for the opportunity to appear here today to discuss the school facility improvement program in the Bureau of Indian Affairs, as one important part of our larger Department-wide effort to improve the infrastructure in the Department of the Interior as a whole.

I am pleased to appear this morning in support of the Assistant Secretary for Indian Affairs, Kevin Gover, and the positive work that he and the Bureau of Indian Affairs are doing to improve school facilities to ensure that 53,000 Indian elementary and secondary school students learn in safe and healthy environments.

In January of this year, Assistant Secretary Gover and I traveled to North and South Dakota to listen to tribal leaders' concerns and also met with Senators Dorgan, Conrad and Johnson. While there, it was very evident that the maintenance needs are huge. Some structures were in such bad condition that replacement may be the only reasonable and cost effective way to provide decent school facilities.

Because of Departmental knowledge and concern over the condition of schools that Indian children attend, the fiscal year 1999 budget proposal requests a total $86.6 million for the replacement and repair of existing schools, an increase of $32.2 million or 60 percent over 1998. Within that total, $46.2 million is requested for improving and repairing BIA schools, an increase of $14 million over 1998. The $18.2 million increase for Replacement School Construction will allow for the construction of the next three schools on the priority list: Seba Dalkai Boarding School, Navajo Reservation, Arizona; Sac and Fox School, Sac and Fox Reservation, Iowa; and Pyramid Lake High School, Pyramid Lake Reservation, Nevada.

I support Assistant Secretary Gover's initiative to complete construction of the 16 schools on the Priority List by 2001. To work toward accomplishing this goal, we encourage Congress to provide the $32.2 million increase for school construction requested in the President's 1999 budget.

I also welcome this opportunity to tell you about how these requested increases in funding levels for BIA efforts fit within our Department-wide Safe Visits to Public Lands initiative.

When I began serving as Assistant Secretary - Policy, Management and Budget in November 1997, I immediately realized that the condition of the whole DOI infrastructure needed serious management and maintenance attention.

To focus this attention, we set out three major goals to ensure that: 1) the management of and accountability for our maintenance and construction funding from appropriations is credible; 2) the identification of the highest priority needs in the Department is developed through the use of standard definitions for repair, rehabilitation, and construction; and 3) formulation and implementation of a five-year plan occurs, beginning with the first submissions to Congress in the fiscal year 2000 Budget.

And I want to work with you, as we are working with other Congressional Committees, to achieve these three key objectives in the Bureau of Indian Affairs.

On December 12, 1997, guidance was sent to the Bureaus asking them to develop prioritized lists of critical health and safety and critical cultural and natural resources protection needs for 1999. I want to be sure that these needs are remedied first.

Project lists for both construction and maintenance were reviewed against these two major criteria and were submitted to the Appropriations Committee in the Senate and the Interior Committee on Appropriations in the House. Initial response to these prioritized lists of critical health and safety and critical resource protection has been positive.

As we began analyzing the projects, it became clear that the definitions among the bureaus for maintenance and construction terms were not consistent.

As a result, I asked the Deputy Chief Financial Officer to work with the Department's Interior Planning, Design, Construction and Maintenance Council, chaired by the Director of the Office of Managing Risk and Public Safety, to develop common definitions for maintenance, deferred maintenance, repair and rehabilitation, and capital improvements.

I am pleased to announce that these definitions have been developed and are being used in the formulation of the FY 2000 budget.

At the same time, the Federal Accounting Standards Advisory Board (FASAB) has issued standards for all Federal agencies to report deferred maintenance in annual financial reports beginning at this fiscal year end. We made sure that our five-year process used the same definition for deferred maintenance as does FASAB.

The five-year plan of maintenance and construction needs will be submitted in the FY 2000 budget and will be updated annually thereafter. The purpose of the plan is to identify and reduce critical maintenance needs so that the spiral of increased repair costs due to lack of preventive maintenance can be reversed. The five-year plan that we submit with the FY 2000 budget will include a five year program for facility improvement and repair projects selected by the automated ranking system described in Assistant Secretary Gover's testimony. For replacement school construction projects, Assistant Secretary Gover and the Bureau of Indian Affairs are working on the development of the process for selecting a new list of projects.

One way to achieve this goal is to first understand the full extent of the problem. The Bureau of Indian Affairs has an extensive automated system for the inventory of maintenance and construction needs that has been in place since the late 1970's. Much of the credit for its existence must go to the leadership of the Senate Committee on Indian Affairs and the Appropriations Committees who, through the years, have required a systematized approach to the ever-growing maintenance problem.

Because of the Facilities, Construction, Operation and Maintenance (FACCOM) systems integration of inventory, backlog, project status reporting and safety tracking, it may be a model for other Departmental bureaus. In addition, BIA is a member of a Department-wide maintenance management systems analysis group that will be advising all bureaus on methods of providing reliable up-to-date information to bureau managers and to the Congress.

Of course, simply knowing about needs in an organized method doesn't, in and of itself, begin reducing the needs. That is where you, the Congress, come in.

To summarize, the emphasis of the five-year plan is to prioritize life, health, and safety projects that are essential in providing safe visits for the public and safe workplaces for our employees. Special emphasis will be placed on Indian school facilities and the 53,000 Indian students that learn in these schools. In addition, this system will identify critical needs for high priority cultural and natural resources.

Mr. Chairman, we are trying to bring facilities up to a condition such that only annual maintenance--and not major repair and rehabilitation is the norm. The proverbial hole in the roof the size of a nickel will lead to a hole in the wall the size of a couch--if you're lucky--and to a collapsed ceiling and worse, if you're not. In other words, there is far less work and cost in the long run if a small maintenance problem is identified and remedied immediately. You deserve credit for convening this hearing on this important issue. We are grateful for your leadership and support.

Thank you for the opportunity to appear before you to discuss BIA education construction and our new Departmental approach. I hope we can receive your full support. I am available to answer your questions.

THE NAVAJO NATION

THOMAS E. ATCITTY
PRESIDENT

MILTON BLUEHOUSE
VICE PRESIDENT

SHARON CLAHCHISCHILLIAGE
EXECUTIVE DIRECTOR
WASHINGTON OFFICE

Testimony Before the Senate Select Committee on Indian Affairs
Wednesday, June 10, 1998
Presented by The Honorable Thomas E. Atcitty, President
THE NAVAJO NATION

Good morning, Honorable Chairman Nighthorse Campbell and Honorable Members of the Committee. Thank you for your invitation to personally testify before this committee and to present the views of the Navajo Nation regarding the Department of Interior's Bureau of Indian Affairs School Construction.

Education is a very important issue with the Diné of the Navajo Nation. The majority of our population is thirty years and younger. They are our treasures and our future. It is imperative that they begin a life-long journey in adequate, appropriate, safe, healthy and comfortable conditions. We realized, among with the rest of Indian America and America, in general, obtaining high quality education is essential for our children to survive and become full participants in society. The Navajo way places a high value on life-long learning, whether this is in the form of becoming an apprentice for a hataalii (medicine man) or taking responsibility to attain post-secondary education. Learning and attaining the highest standards of life is part of becoming a Navajo and taking one's place in Navajo society and in society at large.

I come before you today as President of the great Navajo Nation. Currently, the BIA operates and funds 185 schools across the Indian nations. Sixty (60) of the 185 schools are on the Navajo Nation comprising approximately 33 percent of all 131A

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program and with an enrollment of more than 14,408 Navajo youth (based on a 1994-95 Navajo study). These schools serve the communities in elementary and secondary day and boarding schools. Many of our young adults attend the main campus and branches of Diné Colleges (formerly known as Navajo Community College). In the rural country of the Navajo Nation, the BIA schools are many of our youth's only source of education since many families live far from these schools. Although school buses take children to their nearest school, many children ride over fifty miles one way, with a number of stops made to pick up other students. By the time they get to their nearest school, the children begin their school day feeling tired and in some instances, hungry. If schools were built in areas where the population is more condensed, a better and enjoyable education would be experienced by them. New school construction is needed for our increasing youth population.

The Navajo Nation covers 25,000 square miles and with a population of over a quarter million people and growing, the Navajo Nation has great interest in the BIA schools since many of our children are served by them. At present, Seba Dalkai Boarding School is number nine on the BIA School Construction priority list but will be first to be considered to be funded in FY 1999. The physical condition of this school is an example of many schools on our reservation: abysmal. Classes are being taught in portable classrooms with leaking roofs, poor insulation to maintain consistent temperature during the winter months, lack of proper air conditioning during the hot months of summer, poor or malfunctioning plumbing, power outages have safety and health code violations, and the list goes on. This is just one school on the Navajo Nation and reflect conditions of many other schools that are not up to par with non-Indian schools in the United States. The Navajo Nation has a large construction and replacement need that may or will not be met for many years to come judging on current funding conditions.

REEVALUATION OF THE PRIORITY LIST SYSTEM

The Navajo Nation cannot see how one Indian Nation should be pitted against another. If we recommend that the priority listing should be based on population or land size alone, Navajo would have many schools on the list marked as priority. Yet we understand other Indian nation's needs for their children and their schools' conditions are no better than Navajo's. All school construction programs should provide for quality education within structurally sound and healthy school environment that would meet the American educational standards. We need to take a look at the total infrastructure that will meet the needs of the community including school facilities that offer safe and healthy environments. We could have the best school facilities, but to get the little bodies there, road improvements are needed. Poor road conditions contribute to school bus breakdowns. Where one school fails in providing a safe and healthy environment for life-long learning, then who ultimately pays? The United States. We will all pay by supporting more unqualified citizens in a society that creates a need and a strain on the economy. Instead of strengthening the economy with an active and tax paying society contributing to the welfare of the nation, we will have a large group of individuals that have not been adequately educated in the best conditions as the rest of America. The results are continual less-tax paying citizens and more resources dedicated to taking care of what America did not properly prepare.

The Navajo Nation can only present the facts. The Navajo Nation needs to have its BIA schools updated, fixed, and with "brick and mortar," build schools to address the horrible dilapidated conditions in which we now find our children being taught in. This is our recommendation: let us together fix them. Fix them in accordance with such existing regulations as the BIA's Replacement School and Law Enforcement Construction. It is the United States government's responsibility and duty to allocate funds to address our schools. On April 21, 1998, the Honorable Senator Domenici stated in the Senate Interior Appropriations hearing that it is the United States' responsibility to provide education to the Indians since they cannot create bonds to raise money to build schools like non-Indian communities. The Senator stated, "If we [the United States government] do not build these schools, then who will?" Senator Domenici, along with the Honorable Senator Dorgan from North Dakota, both have concerns about the lack of funds allocated to address Indian education needs. The priority list at present is just a tool. If the Administration does not take this list seriously by asking for funds to build these schools or if Congress does not allocate adequate funds, then the question of reevaluating this list is moot. Our schools do not get built. Whether a Navajo school is first, fifth or twelfth does not matter if the speed of funding these schools are not adequately appropriated. Time does not stand still nor does the weather beating down on what has become a shadow of the schools they were meant to be. Appropriations for our schools can be passed over or by being partially funded. How can you give a thirsty man two drops of water when he surely needs cups? School repairs are currently funded at 70 percent of need.

INNOVATIVE METHODS OF FINANCING INDIAN SCHOOLS FACILITIES

This question ties back into the first. The result of the Treaty between the Navajo Nation and the United States was our loyalty to the United States and giving up lands for non-Indian settlement. Article VI in the Treaty states that "the United States agrees, that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided...etc." The results of our treaty have been kept. We continue to serve in the United States armed forces and we are federal tax paying citizens, and our lands are now a part of the United States. Yet the BIA schools in which to teach our young remain unfit and unhealthy. The BIA manages 3,729 buildings (excluding living quarters for teachers) in 26 states. Approximately 63 percent of the buildings were built more than 30 years ago and 26 percent of the buildings were built more than fifty years ago. You will find many such buildings on the Navajo Nation. This condition of the Treaty of June 1, 1868, with ratification on July 25, 1898, to educate our people has not been actively sought.

If there is one recommendation, it would be to set aside a large amount of funding around $75 million and place this in trust so that Indian Nations could create bonds out of this to begin construction.

The Navajo Nation is interested in this question because providing for our education is a trust responsibility. We have continued to live by the agreements that day on June 1, 1868. One hundred and thirty years later, we proudly still have the United States flag flying over the Navajo Nation. We have kept our treaty agreements and we expect the United States to do the same.

We are concerned that finding innovative methods to finance Indian schools is the result of those Indian nations who have successful gaming operations. Our congratulations to them. But let me state, on behalf of the Navajo Nation, that we are not a gaming Indian nation. The Navajo people have voted on gaming through two referendums, and each time the Navajo people voted against operating gaming. We see a time when we will be more self-sufficient and we will reach this goal. But this does not mean that our success eliminates nor relieves the United States of their trust responsibility. As long as the Navajo Nation abides by this treaty, we and the rest of the world expect and demand that the United States reciprocate.

FISCAL YEAR 1999 BUDGET FOR BIA SCHOOL CONSTRUCTION

The FY 1999 budget for BIA school construction is not enough. While $25 million for replacement of school construction for *Seba Dalkai* is requested in the President's FY 99 Budget, $152,054 million requested by the President is not enough if you see that this amount will not fund all the schools on the priority list, nor the rest of the BIA elementary and secondary schools and the tribally managed community colleges throughout the rest of Indian nations for basic upkeep.

The Navajo Nation estimates three school improvements at $10.5 million to address safety, health code violations, handicapped accessibility, energy efficiency, etc, for

Aneth Boarding School, Chinle Boarding School and Huerfano Dormitory. There is a need for Navajo area gas lines projects at $650,000 for *Many Farms High School, Sanotee Day School and Hunter's Point Boarding School.*. Seven schools need reroofing at a cost of $1.8 million for *Wingate Elementary, Hunter's Point, Kaibeto Elementary, Shiprock Boarding School, Many Farms, Torreon and Rough Rock Demonstration School.*

Comparing the FY 97 appropriation for education Operation and Maintenance Program was at $4.27 per square foot while the FY 98 request of $4.11 per square foot, a reduction of 4.0 percent. We are concerned that this reduction trend may carry over to the current FY 99 appropriations.

The Navajo Nation has four initiatives for FY 2000. We want an improved automated system that is user friendly; separate operations budget from maintenance budget to improve accountability; establish Law Enforcement Operations & Management appropriation from Non–Education line item; and continue to improve on the Operation & Maintenance Funding Formula to ensure equitable funding levels.

Reviewing these amounts and past funding tenancies, the question arises, are these amounts enough to invest in school construction for Indian students? No group of people has been asked to do so much with so little. When you compare the amount of funding per non-Indian student with an Indian student, you will see a great chasm between the two figures.

At least, $3,000 is spent per Indian student compared to $6,000 per non-Indian student. Either Indian students are severely underfunded or $3,000 is over spent on non-Indian students. Senator Domenici again has made comment that $3,000 spent on average per Indian student is perhaps a reason why Indian Nations have difficulty in raising their economic standards. The United States will spend and send billions of dollars on foreign aid but will ask and demand that the American Indian make sacrifices to educate our youth.

In summary, the Navajo Nation has willingly signed the treaty between our two nations. We have proudly continued supplying our people to serve in the armed forces. We are tax-paying citizens of the United States and the states in which we live. Yet in 1998, with the focus on education by the President and Congress, we, the Navajo Nation are expected to teach our youth in school conditions that the rest of America would not even send to educate their children in. We still continue to sacrifice for the better of the United States, yet we are forgotten and insulted with the abysmal amounts to bandage our school facilities.

The Navajo Nation recommends that more funding be requested and appropriated to fix these horrid conditions. The Navajo Nation expects that the treaty and federal obligations be met and honored. Providing proper, appropriate and healthy education conditions is a small price to pay for one hundred and thirty years of peace and loyalty to the United States from the Navajo people.

Thank you and I will be glad to answer any of your questions.

NATIONAL INDIAN EDUCATION ASSOCIATION
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STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS ON BUREAU OF INDIAN AFFAIRS SCHOOL CONSTRUCTION

Presented by: Lorraine P. Edmo, Executive Director
June 10, 1998

> *BIA reports that the cost of the total inventory of repairs needed for BIA education facilities is $754 million. This includes the cost of repairs to all school buildings, including dormitories for students and employee housing. Data from our 1994 National School Facilities Survey show that, compared with other schools nationally, responding BIA schools (1) are generally in poorer condition, (2) have more unsatisfactory environmental factors, (3) more often lack key facilities requirements for education reform, and (4) are less able to support computer and communications technology. From: General Accounting Office (GAO) Report 'School Facilities, Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs', December 1997*

The National Indian Education Association (NIEA), the oldest national organization representing the education concerns of over 3,000 American Indian and Alaska Native educators was established in 1969. NIEA members are school administrators, teachers, parents, and students. We are pleased to submit this statement on Bureau of Indian Affairs (BIA) School Construction issues. NIEA has an elected board of 12 members who represent various Indian education programs and constituencies from throughout the nation. NIEA holds an annual convention which provides members with an opportunity to network, share information, and hear from Congressional leaders and staff as well as federal government officials on policy and legislative initiatives impacting Indian education.

In Fiscal Year 1999, the BIA will educate over 53,000 elementary and secondary students in 185 schools across 200 reservations in 23 states. Eighty two percent of BIA's building square footage is educational space. Two percent of all these buildings are more than 100 years old, 20 percent are more than 50 years old, and 50 percent are more than 30 years old. Thirty years is normally considered the usual life of a building. In light of this situation, the BIA is including as one of its fiscal year 1999 special initiatives a focus on school restoration. This initiative is to provide for the increased construction, equipment and rehabilitation of school facilities. The BIA indicates that it seeks to provide safe, functional and economical educational facilities in Indian communities. To carry out this effort, the Department of Interior has requested $152 million for all BIA Construction categories, of which $86.6 million is designated for Education Construction.

The timing of this hearing on BIA school construction issues is appropriate given the recent General Accounting Office (GAO) report on BIA construction released in December, 1997.

Additionally, there have been numerous legislative proposals for national school construction initiatives. The last such hearing on New School Construction, Improvement, and Repair of BIA's School Facilities was before the Select Committee on Indian Affairs in April of 1991. School construction issues and problems are not new to BIA funded schools and we refer this committee to some of the findings from the 1991 hearing:

April, 1991: Excerpts from David J. Matheson, Director, Office of Construction Management, DOI, prepared statement:

- The facilities inventory is comprised of approximately 3,500 buildings containing 19,800,000 square feet (excluding quarters) in over 400 locations throughout the United States.
- Educational facilities comprise approximately 80 percent of the facilities in the inventory.
- These facilities serve over 300 federally recognized Indian tribes located in 26 states, with educational facilities for approximately 40,000 Indian youths attending approximately 180 different schools.
- Of the 3,500 buildings in the facilities inventory, 1,851 are over 30 years old, and of this number, 726 are over 50 years with 16 of these being 100 plus years old.
- Ten of the twelve Area Directors reporting directly to the Deputy Commissioner of Indian Affairs have facility management staffs responsible for data collection, technical assistance, minor improvement and repair, safety, operation and maintenance oversight, and other administrative activities of the BIA's facilities program.
- In addition, there are facility management offices and staff at approximately 84 agency office and 400 facilities locations. Each of these offices is responsible for day-to-day operations, maintenance, safety quarters, and other facility related activities.

The U.S. Department of Interior, Inspector General, James B. Richards, also stated in 1991:

- During the past four years we have issued two final reports and two draft reports relating to this subject area. These reports reveal and describe a deplorable state of Indian Education facilities, which are often structurally unsound, in disrepair and poorly maintained.
- Further, the degraded conditions of Bureau of Indian Affairs classrooms, dormitories, study and recreational areas and other related facilities has undoubtably had a profound adverse effect on the quality of education being provided to Indian children.
- Two recent audits we completed, currently in draft form, entitled "Implementation of the Education Amendments of 1978," dated February 1991 and "Facilities Maintenance," dated April 1991, confirm the fact that the Bureau and the Department have failed to correct life-threatening safety deficiencies, code violations, and hazardous health conditions existing in schools, dormitories, and other buildings Bureau-wide for Indian students.
- These current audits show that Indian children have not been provided with facilities that are safe, healthy, or conducive to a quality education. In many instances, Indian school facilities are often so deplorable as to impede the educational process.

- These standardized tests resulted in scores that ranged from the 24th percentile on grades 3 through 9 to the 32nd percentile for high school seniors. In other words, we note that similar test scores for students as all grade levels were exceedingly low. We did note that similar test scores for Indian children attending public school were somewhat higher.

During the 1991 hearing, one witness indicated an estimated backlog in BIA maintenance and repair deficiencies of approximately $850 million. The 1998 estimate, according to the BIA Fiscal Year 1999 Budget Justification, projects a backlog in the Education Facilities Improvement and Repair Program at $695 million and $63.8 million in Education Quarters for a total of $758 million. The immediate conclusion is that few financial resources have been focused on the school facilities dilemma over the past seven years. The fact of the matter is that problems with all facets of education construction at Bureau funded and operated schools have been evident for decades. The Education Amendments of 1978 (Title XI of Public Law 95-561), which govern certain BIA services, require that education facilities be safe and adequate to serve the needs of Indian children. The 1991 Inspector General's report did, however, bring to light a pattern of neglect and the cumbersome administrative process inherent in all construction-related decisions. The deterioration of education facilities continues to this day and will plague any real advancement toward educational excellence until some solutions are found.

The school facilities/construction dilemma is not unique to Bureau funded schools. Nationally, America's schools, colleges, and universities also face aging and inadequate facilities. New resources for facilities are required to maintain low class size, enhance school discipline and safety, and accommodate new learning technology. Indicators of the national problem include:

- Colleges and universities require approximately $60 billion to modernize and replace aging facilities.
- U.S. K-12 schools require $112 billion to repair or upgrade dangerous or sub-standard facilities and an additional $73 billion to meet increased enrollments.
- One-half of all schools have inadequate wiring for computers and communications technology.

The situation at BIA schools is compounded by the fact that tribes, as sovereign nations, generally do not have the capacity to leverage the bonding authority needed to construct new education facilities. The inability to tax members living within tribal boundaries results in fewer avenues for supporting such large scale initiatives as new school construction.

NIEA is aware of proposals from various Indian school board associations that would make an attempt at reversing the school construction and renovation needs. These proposals represent innovative local strategies for dealing with the school renovation/construction problems. BIA schools that are located on Indian reservations do not have the requisite tax base for ensuring and paying for any bonds that might be needed for new school construction and renovation projects. As a result these schools rely solely on federal funding through the BIA for meeting their school construction/renovation needs. Since FY1996, the average appropriation for education construction was $43.3 million with the FY99 request the largest in several years at $86.6 million. At the $43.3 million average, it would take almost 20 years to eliminate the backlog and at the fiscal year 1999 request, it would take ten years. Below, we look at some of the different proposals that have been circulating throughout Indian Country for funding school construction. This year's Budget Resolution will have a definite impact on any school funding initiative.

Fiscal Year 1999 Senate Budget Resolution

On April 2, the Senate passed its version of the fiscal year 1999 Budget Resolution. Attached to the resolution was an amendment introduced by Senators Pete V. Domenici (AZ), Patty Murray (WA), and Tim Johnson (SD) which adds an additional $80 million to the BIA FY1999 Education Construction request of $86 million. This brings the total request for BIA school construction to $166 million. This proposal would by far provide the best solution to the construction backlog if it were applied consistently over the next five years.

On June 5th the House passed its version of the House Budget Resolution which did not contain a similar proposal. The likelihood of the Senate version being fully funded during the upcoming conference is minimal considering the House version cuts $100 billion (over five years) from domestic spending. It is possible that the final total for Education Construction could be in the range of $126 million if the President's request is approved in September. The major obstacle would be ensuring that the amount stays in during the fiscal year 1999 appropriations process. If the House and Senate Budget Resolution cuts hold up in the appropriations process, all education programs nationwide will suffer. It will be increasingly more difficult to find any money for tribal facilities construction and repair as well as non-tribal funding.

A. Dakota Area Consortium of Tribal Schools, Inc. (DACTS) School Bonding Proposal

The National Indian Bonding Authority Pilot Project Act of 1996, H.R.4151, was introduced by Senator Tim Johnson (SD) on September 24, 1996, at the conclusion of the 104th Congress. It is structured after the "Moral Obligation Debt" which is used by many state and local governments to conduct so-called off-balance sheet borrowing. This method of financing bonds does not count against the issuer's total outstanding debt. The pilot project would use existing tribal education funds for bonds in the municipal finance market which currently serves local governments across the nation. Instead of funding construction project directly, these existing funds would be leveraged through bonds to fund substantially more tribal school construction, maintenance and repair projects. The initial draft of the legislation called for the creation of a new federal agency with the ability to issue certificates of participation (COP's) that are backed by future federal appropriations to raise capital from the taxable municipal market for school improvement. The pilot project would issue up to $20 million of COP's per year, with an overall debt cap of $200 million. The legislation requires that the federal government make appropriations to the authority for the first four years, with additional appropriations dependent on further legislative action.

Investors who purchase, or back the COP's, would be subject to increased risk, when compared with more traditional bonding mechanisms since they are not backed by collateralized mortgages or other valuable assets. Tribal, or reservation-based schools, would be valued less than say a public school where a tax base is present.

NIEA supported this concept through Resolution 95-14 in 1995 at our annual convention. Since that time NIEA has learned there are concerns about the creation of another level of bureaucracy to administer this program. We are not sure if other Indian school board associations are in support of the DACT's proposal. It is our understanding that the DACT's proposal would be a national program.

B. S.12. Modernize Schools for the 21st Century

The President's FY 99 Budget proposes Federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate public schools. This is more than double the assistance proposed last year, which covered up to half the interest on an estimated $20 billion in bonds. The new proposal (S.2044 & H.R.3813) provides tax credits in lieu of interest payments for investors in two types of School Modernization Bonds: Qualified School Construction Bonds (a new proposal) and expansion of the Qualified Zone Academy Bonds created last year. The Department of the Treasury estimates that the revenue loss associated with the bonds would be $5 billion over 5 years and over $11 billion over 10 years. The U.S. Department of Education, shows by the following scenario, how the funding for an Indian School would occur:

> School District C -- A School District on a Poor Indian Reservation
> This poor public school district needs funds to renovate a school and build a new school but is unable to issue bonds itself because of its small tax base. School District C would receive a heavily subsidized loan from the State. The State would subsidize the loan either by contributing the State's own funds toward the loan or by decreasing the amount of the subsidy other communities would receive under School Modernization Bonds in the State. School District C would not issue the bond itself; the State would issue it on behalf of School District C and several other school districts. School District C would use the funds to plan, design, and construct its new building and to renovate its existing school. The State could guarantee that School District C would repay the loan by retaining State aid in event that the school district stopped making payments. School District C would pay only a portion of the principal on the loan to the State because the loan is subsidized. The bond holders would be repaid as described in the above examples, except the State rather than the community would repay the principal to the bond holders.
>
> NIEA Concern: *States have not traditionally supported payment of education services for members of Indian tribes. In fact, in many instances they are resistant to providing any services to Indian people. For this reason NIEA is concerned that without a set-aside funding formula specifically for Indian tribes this plan may not be conducive to tribal involvement. NIEA is also concerned that the above scenario indicates that state aid would be withheld from Indian school districts that stopped making payments. We are not sure that Indian schools located on a reservation would be receiving any state aid at all.*

C. Association of Contract Tribal Schools (ACTS)

ACT's has developed an initiative which may provide a more national approach to the school bonding dilemma by providing for the use of multi-year bonding and leasing agreements. The plan is similar to the one used by the military when it seeks to build large aircraft carriers or other multi-billion dollars projects where the reimbursement occurs over several years. After funding a typical project under the ACTS plan, the facility would be leased simultaneously over the period of the loan until it is paid off. This type of funding would require the encumbrance of future Congresses which would be difficult given the general climate in Congress today and the lack of a tax base on Indian lands. NIEA has not reviewed the full extent of this proposal, but would likely support it if education construction dollars were made available under this or a similar proposal. As more information becomes available, we will provide it to the committee.

D. S.456 and H.1104, Partnership to Rebuild and Modernize America's School Act of 1997
Introduced by Senator Carol Moseley-Braun on March 18, 1997 and Representative Nita Lowey. This $5 billion proposal was introduced as President Clinton's 1997 School Construction Initiative and would leverage $20 billion in upgrading and new school construction. The initiative would provide Federal tax credits to pay interest on bonds --making them interest-free to help local communities make their school bonds go much further in renovating and building needed schools. The proposal would build approximately 1,000 new schools and renovate more than 5,000 others. Two percent of funds would be allocated to the BIA (approximately $60 million) and territorial schools. This bill failed as an amendment to 1998 Budget Resolution.

E. S.1705, The Public School Modernization Act of 1998 and S. 1708 Revitalize and Empower Public School Communities to Upgrade for Long-Term Success Act
S.1705 was introduced by Senator Carol Moseley-Braun on March 4, 1998 and does not include any set-aside or funding provisions for Bureau of Indian Affairs Schools. S.1708 was also introduced on March 4 by Senator Daschle. It contains several FY1999 Democratic education proposals, including a title which is identical to S.1705.

F. S.1160, Education Facilities Improvement Act
Introduced by Senators Daschle and Moseley-Braun on September 10, 1997. Would utilize $1.9 billion made available through a restructuring of foreign tax credit carryover. S.1160 would reserve 1.5 percent of funds for BIA schools, 0.5 percent for Territories, and 0.1 percent for data collection and study of school conditions.

Indian Schools and the Learning Environment
NIEA has been acutely aware of the facilities needs in Indian Country for years. We realize it is difficult to attain any measure of educational excellence when the tools for achieving even minimal progress are impeded by an inadequate learning environment. How can a student learn in a classroom with no air conditioning where the temperature exceeds 100 degrees in the summer and where a coat must be worn to stay warm in the winter. We venture to say that if the conditions that exist in today's Indian schools were prevalent in the nation's public schools that the situation would not be tolerated by the general public nor the Congress.

The Department of Education has commissioned several studies on the affect of classroom environment on the ability to learn. These studies provide insight into the interrelated factors that affect all students. While the studies in question were conducted in non-BIA/tribal schools, they illustrate the relationship between a student's environment and his/her capacity to learn.

U.S. Department of Education Studies on School Facilities and Learning *(Footnotes are provided in Appendix I)*

1. **Impact of Inadequate School Facilities on Student Learning**
   A number of studies have shown that many school systems, particularly those in urban and high-poverty areas, are plagued by decaying buildings that threaten the health, safety, and learning opportunities of students. Good facilities appear to be an important precondition for student learning, provided that other conditions are present that support a strong academic program in the school. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding.

2. **Physical Building Conditions**
   Decaying environmental conditions such as peeling paint, crumbling plaster, nonfunctioning toilets, poor lighting, inadequate ventilation, and inoperative heating and cooling systems can affect the learning as well as the health and the morale of staff and students.

3. **Impact on student achievement**

- A study of the District of Columbia school system found, after controlling for other variables such as a student's socioeconomic status, that students' standardized achievement scores were lower in schools with poor building conditions. Students in school buildings in poor condition had achievement that was 6% below schools in fair condition and 11% below schools in excellent condition. (Edwards, 1991)

- Cash (1993) examined the relationship between building condition and student achievement in small, rural Virginia high schools. Student scores on achievement tests, adjusted for socioeconomic status, was found to be up to 5 percentile points lower in buildings with lower quality ratings. Achievement also appeared to be more directly related to cosmetic factors than to structural ones. Poorer achievement was associated with specific building condition factors such as substandard science facilities, air conditioning, locker conditions, classroom furniture, more graffiti, and noisy external environments.

- Similarly, Hines' (1996) study of large, urban high schools in Virginia also found a relationship between building condition and student achievement. Indeed, Hines found that student achievement was as much as 11 percentile points lower in substandard buildings as compared to above-standard buildings.

- A study of North Dakota high schools, a state selected in part because of its relatively homogeneous, rural population, also found a positive relationship between school condition (as measured by principals' survey responses) and both student achievement and student behavior. (Earthman, 1995)

- McGuffey (1982) concluded that heating and air conditioning systems appeared to be very important, along with special instructional facilities (i.e., science laboratories or equipment) and color and interior painting, in contributing to student achievement. Proper building maintenance was also found to be related to better attitudes and fewer disciplinary problems in one cited study.

- Research indicates that the quality of air inside public school facilities may significantly affect students' ability to concentrate. The evidence suggests that youth, especially those under ten years of age, are more vulnerable than adults to the types of contaminants (asbestos, radon, and formaldehyde) found in some school facilities (Andrews and Neuroth, 1988).

References for the above bullets are included in Appendix I

Conclusion

NIEA views Indian education as the trust responsibility of the Federal Government. This responsibility has been continually upheld through Treaties, Court decisions, Executive Orders, and Congressional programs and initiatives. Construction and maintenance of safe and healthy schools is a major concern of our association. As you have heard in the testimony presented to this committee today, the education funding needs are great. The $754 million backlog in School Facilities Renovation and Repair is staggering. Since the last hearing in 1991, little has changed. The backlog has been evident for decades and as mentioned in the GAO report of December, 1997 "band-aid" approaches have been applied without any measurable success. There needs to be a strong commitment on the part of this committee and Congress that school facilities problems will be remedied by Congress, the Interior Department and Tribes working together.

As a beginning point we would recommend that the Bureau of Indian Affairs try to streamline the approval process for school facilities and construction projects as well as management of the school facilities at the local level. There appear to be about eight levels of federal authority responsible for management and administration of the BIA's facilities program. These lines of authority were spelled out by David Matheson, Director of the Office of Construction Management, in his April 24, 1991 testimony to Congress. No doubt, these lines of authority are the same today. Perhaps this proposed streamlining would allow for quicker approval of projects for repair of schools.

Congress also needs to commit funding to see that schools are repaired and replaced over a number of years. Domestic discretionary spending, especially for education needs to be increased, not decreased. We totally support the proposed BIA request of $152 million in BIA construction funding in the FY1999 budget.

We commend the Indian school board associations which have developed innovative approaches for dealing with this enormous problem. I am pleased to answer any questions the Committee may have.

APPENDIX I

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STATEMENT
of
KEVIN GOVER, ASSISTANT SECRETARY - INDIAN AFFAIRS
on the
FACILITIES PROGRAM OF THE BUREAU OF INDIAN AFFAIRS
before the
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

June 10, 1998

INTRODUCTION

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before the Committee to discuss the Bureau of Indian Affairs (BIA) Facilities Management and Construction Program.

The BIA's Facilities Management and Construction Program is a large, complex, geographically dispersed operation. The management and administration of the BIA's facilities program involves several diverse functions which were transferred from the Office of the Secretary (Department) back to the BIA effective October 1, 1997. The BIA's Facilities Management and Construction Center (FMCC), located in Albuquerque, New Mexico is responsible for the management of the BIA's facilities programs which includes construction, repair, and operations and maintenance of buildings and related utility systems, roads, grounds, etc., necessary to carry out BIA funded programs and functions. It also manages the leasing of space for BIA operations where BIA owned facilities are not available.

The total facilities inventory is comprised of approximately 7,400 buildings containing 28,250,000 square feet in over 300 locations throughout the United States. These facilities serve over 330 federally recognized Indian tribes located in 26 states, with educational facilities for approximately 53,000 Indian youths, attending approximately 185 schools. Educational facilities comprise over 80 percent of the facilities in the inventory.

Ten of the twelve Area Directors reporting to the Deputy Commissioner of Indian Affairs have facility management staff who are responsible for data collection, technical assistance, minor improvements and repairs, safety, operation and maintenance oversight, and other administrative activities. In many locations, these functions are conducted by tribes choosing to do so under contracts. The BIA continues to transfer as much of these functions to tribes and tribal organizations as they express a willingness to accept.

Approximately 55 percent of the educational facilities management program is contracted under Public Law 93-638, funded by grants under Public Law 100-297, or compacted under Self-

Governance. The BIA Area and agency facilities staff numbers have declined significantly in recent years, resulting in reduced capacity to provide technical assistance to approximately 84 agency offices and 400 facilities locations. The Area and Agency offices are responsible, in varying degrees, for day-to-day operations, maintenance, safety, employee quarters, construction, engineering, emergencies, and other facility related activities.

This program is very complex with many levels of authority and responsibility. Our current facilities inventory includes buildings inherited from the War Department, the Indian Health Service, the Veterans Administration, facilities constructed under Public Works Projects by the Civilian Conservation Corps, facilities given or leased to tribes by religious denominations, and many schools mass produced by the BIA during the 1950 - 1960's to implement day school opportunities for Indian children. Of the school buildings in the facilities inventory, over 50 percent are over 30 years old, 20 percent are over 50 years old, with 2 percent of these being 100 plus years old.

As of January 1998, the BIA's backlog of code and standard deficiencies for school related facilities exceeded $695 million. The BIA's backlog includes over $160 million in safety deficiencies which affect life safety and occupational health of facilities occupants, including 53,000 students and teachers. The BIA's total facilities backlog for education and non education facilities is approaching $1 billion, excluding the cost of replacing existing schools which have exceeded their design life. The BIA estimates school replacement costs to be $1 billion in today's dollars. Three prominent reasons why the BIA's facilities are in their present condition are: 1) past budget constraints, 2) aging facilities, creating accelerated deterioration, and 3) deferred maintenance generally resulting from inadequate funds. As a result of increased student population and decaying facilities, it has been necessary during the 1990's for the BIA to take temporary actions to handle immediate needs. One temporary solution has been to use portable classrooms. Today, approximately 40 percent of all BIA school students attend at least one class each day in temporary classrooms. The educators work hard in teaching the students. However, the condition of the facilities certainly has an adverse impact on the learning environment experienced by Indian students.

The President's FY 1999 Budget reflects the Administration's initiative regarding school construction by requesting $86.6 million. This is an increase of $32.2 million above the FY 1998 budget and over $50 million higher than that requested in FY 1997. Maintaining the $86.6 million level of funding for the next five years will allow the BIA to complete the 16 replacement schools by 2001 that are in the FY 1992/1993 priority list. Further, the facilities improvement and repair budget was also increased in FY 1999. To provide the BIA with additional resources for improvement and repair work on existing school facilities and slow the rate of facilities' deterioration, the FY 1999 budget request also includes a $14 million (44%) increase for facilities improvement and repair (FI & R.)

EDUCATION CONSTRUCTION

The request for the BIA Construction appropriation is $152,054,000, with $86,612,000 for Education Construction. The BIA will continue to make progress in eliminating the facilities backlog through replacement, repair and rehabilitation. To expedite the construction process and foster increased local involvement, increased emphasis on tribal contracting or grants for construction projects will be supported by the FMCC until the tribes and BIA agency offices are fully trained to take over the construction contracting challenge.

The Replacement School Construction Program funds replacement of older, unsafe, and dilapidated schools on reservations following a Congressionally approved priority list of 16 schools. This list was developed during fiscal years 1992 and 1993, indicating that the age and condition of the schools has long been an important concern. In FY 1999, $37,400,000 is requested to complete construction of the Seba Dalkai School in Arizona, the Sac and Fox Settlement School in Iowa, and the Pyramid Lake High School in Nevada. These schools are numbers nine, ten and eleven, respectively, on the priority list; the necessary planning and design work is complete. The Education Facilities Improvement and Repair Program is funded at $46,212,000 and includes an increase of $14 million over FY 1998. This will address the $695 million backlog of repair work in existing education facilities, a focus of considerable concern within the BIA, Department, Administration and the Congress.

SCHOOL CONSTRUCTION PRIORITY LIST

As directed by Congress, the BIA establishes priorities for replacement school construction projects. This system requires the submission of an application by a tribe, tribal school board or BIA official. Only schools in the BIA system are eligible for replacement school construction. Applications in 1992 and 1993 were evaluated against published needs-based criteria and subsequently rated and ranked. The highest ranked school applications indicating the greatest replacement need became part of the established priority list in 1992 and 1993, and remain on the list as committed projects until funded by Congress. The current priority list was published in the Federal Register on January 6, 1993. It contains 16 schools, eight of which have been funded. Of the eight funded schools, seven are completed and occupied. One of the school's funded is Many Farms in Arizona, with construction to begin this summer. Funding for three of the remaining eight schools is being requested in the President's FY 1999 budget request. The BIA estimates that $89.4 million will be needed to complete the remaining five schools on the list. The estimated project costs for each school is provided in Attachment A.

The BIA is revising the proposed rulemaking published on October 13, 1993 for the priority setting process and plans on consulting with tribes and school boards in the summer of 1998. The proposed regulations are planned for publication in late 1998 with final rulemaking planned for early 1999.

The BIA will then solicit new applications using the new regulations in the spring of 1999. Newly prioritized schools under this application process will be added to the existing list of unfunded replacement schools. We anticipate that more schools will be added to the replacement school priority list.

The BIA's replacement (new) school construction priority list is a list "frozen" by Congress. Prior to 1992, the priority setting process called for a new list to be established and published each year corresponding to the annual budget request. This process proved to be impractical given the time and effort necessary for tribes and school boards to resubmit applications each year and for the BIA to evaluate and rank the applications. Further, after several years, many tribes complained to Congress and the BIA that the ranking of their project subsequently fell lower on the annual prioritization list or was replaced entirely by another school with a higher numerical ranking. As a consequence, the FY 1992 Conference Report for the Department of the Interior's Appropriations Act froze the "New School Construction Priority for FY 1992" and directed the Department to prepare a replacement school construction priority listing for FY 1993. The Department consolidated the FY 1992 priority lists of 11 schools with the FY 1993 list of five schools with a resultant single priority list for FY 1993 of 16 schools.

A summary of the status of the 16 schools on the priority list follows:

A. Schools completed and occupied:
  1. Pinon Community School Dorms, AZ
  2. Eastern Cheyenne River Consolidated School, SD
  3. Rock Point Community School, AZ
  5. Tucker Day School, MS
  6. Shoshone Bannock School, ID
  7. Standing Pine Day School, MS
  8. Chief Leschi School, WA

B. School funded but not completed:
  4. Many Farms High School, AZ

C. Schools Requested in the FY 1999 Budget Request:
  9. Seba Dalkai School, AZ
  10. Sac and Fox Settlement School, IA
  11. Pyramid Lake High School, NV

D. Schools Planned for funding in FY 2000 and 2001:
  12. Shiprock Alternative School, NM
  13. Tuba City Boarding School, AZ
  14. Fond du Lac Ojibway School, MN
  15. Second Mesa Day School, AZ
  16. Zia Day School, NM

GETTING SCHOOLS BUILT FASTER

For years, a growing concern of the Department, Congress, and tribes was the slow pace at which the BIA school construction occurred. From the beginning of formal planning, the current process took 7 to 8 years to provide a new or renovated school facility. A dramatic change was required to reduce this process to 3 years or less.

Process re-engineering was undertaken to facilitate this change. This involved fundamentally rethinking and radically redesigning the process to achieve significant improvements in critical measurements of program performance. This re-engineering effort was accepted by the Department's National Performance Review (NPR) Team as a Reinvention Laboratory.

A Reinvention Laboratory Team (Team) was established to develop the new process. The Team included representation from federal and tribal governments and the federal employees union. The Team solicited input from the design and construction industry, the private sector and other federal and local government entities.

The Team's first challenge was to design a process that was flexible enough to accommodate all means of administrating projects including Indian Self-Determination Act contracts, grants, and cooperative agreements, Public Law 100-297 grants, and standard commercial contracts. Additionally, the process needed to be able to accommodate alternative construction management methods such as fixed cost design or building contracts. The second challenge was to substantially reduce the over 220 steps that are in the old process.

The process that the Team developed is designed to reduce the time required to complete construction projects by up to 50 percent. At the core of this new process is the use of a project management team consisting of representatives of the major project stakeholders. This Team is to be empowered with the authority to make all decisions regarding scope, execution and funding of the project. Although designed for use with funded new school construction projects, the process may also be applied to Facilities Improvement & Repair (FI&R) and detention center construction projects that have been prioritized and funded.

The new process has been piloted and dramatic changes have resulted. For example, the Wa-He-Lut School in Washington State required replacement due to flood damage to the old school. It was planned, designed, constructed and occupied in less than 14 months. The Seba Dalkai Replacement School in Arizona will reach the design completion stage this summer and construction, if funded, will be completed within the 3 year goal. The BIA plans to use this process on additional projects in FY 1999 and will implement the process on most large projects in FY 2000 on a bureau-wide basis as staff resources permit.

FACILITIES CONSTRUCTION OPERATIONS AND MAINTENANCE (FACCOM)

The FACCOM database is a mainframe repository for physical inventories, backlogs of repair and rehabilitation deficiencies and replacement construction needs.

Physical inventories include buildings, grounds, equipment and systems (water, sewer, etc). This data is used to account for federal assets, determine operation and maintenance funding levels and identify construction project locations.

Backlogs of repair and rehabilitation deficiency listings include a description of the deficiency and a cost estimate to correct the deficiency. The nature of the deficiencies are safety, environmental, handicap access, structural, etc. The deficiencies can be tracked as one construction project (Minor Improvement & Repair) or combined with other deficiencies and tracked as a larger project (Facilities Improvement & Repair). The Safety Tracking System module in FACCOM documents safety inspections and all abatement activities as part of the deficiency backlog.

Replacement (new) construction needs are presently incorporated in the backlog of repair deficiencies under a separate category. This data is used for estimating purposes since the national priority list dictates construction and formal facility needs assessments (F&A's) to establish realistic estimates.

The new Facility Management Information System (FMIS) will replace and enhance the existing FACCOM system in Fiscal Year 2000.

THE DEPARTMENT'S FIVE YEAR PLAN

The Department's five year construction plan for FY 2000-2004 has several important objectives. It will help the Department's accumulated deferred maintenance needs and permit us to comply with the Federal Accounting Standard (FASAB) Number 6 on deferred maintenance reporting. In addition, it will aid Departmental planning for future capital improvements. The Plan will be updated annually and incorporate the status of maintenance and capital improvement projects funded since FY 1999. The BIA will use a set of common definitions for facilities management terms established in this Department-wide planning process, enabling the Department to present a more consistent and credible view of its budgeted resources and capital investments, goals, needs and priorities to the Administration and the Congress.

The BIA will implement the five year planning process for "Deferred Maintenance," currently titled FI&R Major Projects, using the automated priority setting process. The Congress directed the BIA to continue this process within the language of the Department of the Interior and Related Agencies Appropriations for FY 1997, Report 104-319 as follows:

"There continue to be multi-phased facility repair projects, or single projects that require additional funds over 2 or 3 fiscal years. This often results from inaccurate project requirements and descriptions from the inception of the project. The Committee expects the Bureau to continue to use the existing health and safety criteria-based priority ranking system to determine project ranking. At the same time, the Committee expects the Bureau to revise the process used to determine the scope of an FI&R project, so that all required code and safety repairs on a particular building are accomplished as a single, economical repair project, rather than through multiple projects over a period of years. Consideration should be given to establishing the total repair requirements at each school or law enforcement location. The Committee expects project requirements to be established and reviewed by facilities engineers and architects to ensure that these projects address code and safety requirements and have accurate cost estimates."

"The Bureau should distinguish clearly in project descriptions the differences between repairing a facility and replacing a facility. Expansions of existing facilities to meet existing enrollment should be addressed through the new school replacement program, unless the additional space needed is within the current Bureau guidelines for facility repair."

CONSTRUCTION PROGRAM NEEDS

Mr. Chairman, the BIA appreciates this Committee's continued support relative to the BIA's requests for increased funding levels for the facilities construction program. The present annual funding levels for repairs and improvements have been inadequate to keep up with the annual deterioration rate for most of the BIA facilities. Without sufficient funding, we will continue to lose ground as many of the older buildings in the BIA system continue to become obsolete, especially in relation to providing basic safe and functional education environments. I am encouraged by the Congressional support the BIA has received relative to the increases in the Replacement (new) School construction program.

PARTNERSHIPS

As a result of tribal expressions of interest in contributing financially to the construction of replacement schools and as part of the BIA exploration of alternative funding for school construction, the BIA is actively pursuing changes to the priority setting process. The BIA is discussing financial partnerships with tribes. Under this concept, a tribe would compete under the priority setting process described above as a means of establishing need for a replacement facility. If need is established, and a tribe proposes to partially fund a replacement school, the project would then compete separately under a financial partnership priority list. The concept envisions providing higher point values to the tribes who agree, by tribal resolution, to fund a higher percent of the total cost of construction. These tribes would appear on this separate list. A team consisting of tribal representatives and BIA staff are currently developing this concept in more detail. The concept will be presented in the planned consultations with tribes on a national basis this summer.

SCHOOL CONSTRUCTION FUNDING ALTERNATIVES

Within the legislative reports accompanying the Fiscal Year 1994 Interior and Related Agencies Appropriation Act, Congress requested that the BIA and Department conduct a study relating to Tribal construction of school facilities through an annual guaranteed lease purchase arrangement. This study was conducted in 1993 which included consultation with the tribes, and ultimately expanded to include the review of a number of possible alternatives. The study was entitled A Report on Alternative Funding for Construction of Indian Schools. It was provided to the Appropriation Committees on July 1, 1994. The report on exploring alternative sources of financing came up with only four feasible sources at that time which are listed as follows: (1) Department of Commerce, Economic Development Grants; (2) Tribally funded construction of school facilities; (3) Department of Education - Public Law 81-815, Public School Construction on Indian Reservations; (4) State Public Education Appropriations. All the other alternatives that were reviewed were found to be unworkable or with major impediments, including lease-purchase arrangements.

However, the BIA and Department have continued to explore alternatives that may in the future provide a viable means to facilitate more funding for repair, rehabilitation or replacement of nationally ranked school construction projects. The five alternatives that we are continuing to devote time to are as follows:

1. Cost sharing of construction expenses by the tribes or schools and BIA for repair or replacement of existing facilities.

2. Bonding legislation that would be available to the tribes in conformance with budget scoring rules, and acceptable to OMB, the Department, and the BIA.

3. Support of the Administration school reconstruction initiative, which proposed $5 billion dollars over four years for nationwide school construction and renovation, with a set-aside provided for Indian schools.

4. Expanded use of the existing portable classroom program to address problem areas such as increased enrollment, programmatic space, and unsafe and unhealthy classrooms.

5. A lease-purchase program has been considered in the past, however, due to the scoring requirements, OMB has determined that this approach is infeasible. Legislation and/or policy changes could enhance prospects for this alternative in the future.

At present, the alternative that holds the most promise for the immediate future is the cost sharing (partnering) of construction expenses by the tribes and BIA. This approach is currently being developed as part of the new replacement school construction process, which will result in the issuing of Regulations once consultation with the tribes and Schools is concluded. Also, we continue to fund portable classrooms through annual appropriations requests. The BIA has not expanded the program appreciably because the portable classrooms are only considered a temporary solution and their design life is approximately 25 to 30 percent that of a permanent structure.

Any or all of these alternatives, if deemed feasible, would stretch the BIA construction dollars to cover more projects. Unfortunately, both the BIA's and the Department's efforts to explore alternative financing options have resulted in the finding that there are not many opportunities, because lease arrangements, loans, and revenue bonds require repayment which are subject to appropriations.

At the present rate of deterioration and with a constrained budget that has not kept up with aging buildings, emphasis will continue to be placed on addressing the most critical deficiencies that exist in a particular building or facility. Currently, however, the primary means of ensuring sufficient and adequate educational facilities in Indian Country is through increased appropriations, as proposed in the President's FY 1999 budget.

Mr. Chairman, this concludes my statement. I will be happy to address any questions the Committee may have on the facilities program.

ATTACHMENT A

ESTIMATED PROJECT COSTS TO COMPLETE THE REMAINING 5 SCHOOLS ON THE BIA'S REPLACEMENT CONSTRUCTION PRIORITY LIST.

Project	Budget Estimate	Status	Current Enrollment	Projected Enrollment	Grades
Shiprock Alternative School	$ 25.8	Ready to start design	381	425	PreK-12
Tuba City Boarding School	22.7	Ready to start planning	1,144 Day/178 Res.	*	PreK-8
Fond Du Lac Ojibway School	14.3	Planning is in process	280	*	PreK-12
Second Mesa School	18.4	Planning almost complete	175	400	PreK-6
Zia Day School	08.2	Ready to start design	64	157	PreK-8
Total	$ 89.4 Million				

*Final planning documents will provide projected enrollments.

D.A.C.T.S.

DAKOTA AREA CONSORTIUM OF TRIBAL SCHOOLS, INC.
Loneman School Corp.
P.O. Box 50
Oglala, S.D. 57764 • Phone 605-867-5633 • FAX 605-867-5109
Jon Whirlwind Horse, President

June 5,1998

I am Jon Whirlwind Horse I am the President of the Dakota Area Consortium of Treaty Schools (DACTS) which represents 19 grant schools in North Dakota and South Dakota I am pleased to let you know I am accompanied by Mr Frank D Rapp, Facilities Director of the Dakota Area Consortium of Treaty Schools I offer this written testimony on behalf of the Grant schools through out Indian Country This is a plead for help

The history of under funding the education of our children has and continues to undermine not only self-determination, but self sufficiency We are of the poorest people of the nation With raging unemployment, poor housing, and health issues the educational system can not be allowed to fail Our schools belong to the federal government It is a federal treaty and trust responsibility to provide for the education of our children

According to the GAO School Facilities report on the condition and costs to repair Schools funded by Bureau of Indian Affairs, the costs of the inventory or repairs is $754 million and $112 million for replacement of schools on the present priority list This is conservative total of $866 million of infrastructure needs The data is based upon inaccurate information Schools which need replaced not repaired are not considered Loneman School in Oglala was condemned by the BIA in 1991 The data on that school only reflects some of the repairs needed

Assuming a 3% inflation rate, the cost of over $850 million in deferred maintenance grow by over $29 million per year due to inflation, and the approximately $55 million per year due to natural aging and deterioration for a total over $84 million per year This problem is not going to go away, it is only going to get worse These same figures are repeated with an additional 3% construction cost index The student population at the Bureau funded schools is increasing by 3% annually This enrollment increase must be considered because the square footage needed for these children must increase accordingly

There are over 315 portable classrooms in the present system with the projection of another 40 portable classrooms to be funded this next year These temporary structures only delay the problem with valuable funding satisfy a short term need in leu of a long term need At times it appears as if the Bureau is pouring sand down a rat hole

Our children are not only in school buildings which are not conducive to learning and physically capable of meeting the functional requirements of education reform, they are unsafe with critical life safety deficiencies Not only are these schools a federal responsibility, they have become a liability of the federal government Why is the federal government waiting for a serious injury or death of a little child before we fix the problems Personal injury lawsuits are inevitable

It has been a consensus by everyone recognizing the critical condition of all school facilities throughout the country The Administration and Congress have been seeking ways to resolve this problem for public schools Very few people are concerned about the alarming conditions in the Bureau funded school system which is a federal system Help us make the federal system a model for the rest of the Nation The States and their localities are responsible for public schools We can use the same finance and management system they have been using and fix this problem

The present new school construction priority system needs to be revised and reopened It is based upon erroneous information from a facility management information system which still has not been updated for years It is a system which intentionally preferences Bureau run schools over Tribally controlled Schools The Department of Interior has been saying for years it will be developing a new facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory They have been saying that for years We ask you to demand the immediate upgrading of the system with the correct backlog information Only then will Congress see the real problems we face with our educational systems

Allow new school construction applications to be submitted with the necessary funding for facility needs assessments and space utilization studies With the student populations growing each year Congress needs to stop the "freeze" on school grade expansions This is an immediate need Too many children, our most valuable resource, are not attending high schools

We are also at a point where the schools can no longer tolerate the pathetic constrainment of the operations and maintenance funding The enclosed documents (DACTS O&M Report) reflect the constrainment dilemma in our area Our nineteen schools from FY94-FY98 have been underfunded a total of $14 million This one factor contributes greatly to the deterioration rate of our schools The appropriations request in facility operations and maintenance for school year 1998-99 is at 67% of need Nationally this under funding the O&M funding by $38 13 million this next school year Schools are not able to exercise any preventative maintenance The constrained funds only allow for operation costs and unscheduled maintenance The Bureau is manipulating the operations and maintenance formula which will lower the true need, on paper, so the constrainment amount does not appear as bad

We are now into an era of mistrust The BIA needlessly and continuously attempts to micro manage grant schools They continue to prioritize Bureau operated Schools over Grant Schools They ignore our pleas for assistance and are now in the process of reassuming grant schools contrary to Tribal Demands and Federal Statutes

The BIA is requesting more funds for the Area offices when they report a decrease in the number of FTE In FY96 they had 101 FTE with funding at $6,897,000 and the FY99 request reflects 48

FTE's with a budget request of $7,142,000 One would expect the FTEs and the funding to decline in view of the number of schools converting to grant status

We ask you to not support the proposed language by the BIA to place a cap on the amount of BIA funds which can be spent of Administrative Costs Grants Their bill language is as follows *Provided, That notwithstanding the Indian Self-Determinated Act of 1975, as amended and 25 USC 2008, [the AC Grant formula section of the law] not to exceed $46,690,000 within and only from such amounts made available for school operations shall be available to Tribes and Tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools; . . . .*" Once again the BIA is going against the best interests of the Tribes they serve and circumventing judicial decisions, federal legislation, and federal policy The Alamo/Miccosukee case is clear

We are also at a point where the schools can no longer tolerate the pathetic constrainment of the operations and maintenance funding The enclosed documents (DACTS O&M Report) reflect the constrainment dilemma in our area Our nineteen schools from FY94-FY98 have been underfunded a total of $14 million This one factor contributes greatly to the deterioration rate of our schools

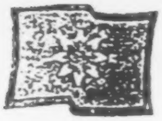
The appropriations request in facility operations and maintenance for school year 1998-99 is at 67% of need Nationally this under funds the O&M funding by $38 13 million this next school year The Bureau is manipulating the operations and maintenance formula which will lower the true need, on paper, so the constrainment amount does not appear as bad Schools are presently filing claim for the constrained operations and maintenance funding, as they did before with the Administrative Costs Grants

We have been promoting and working on a bonding bill for a number of years The principal is simple and practical We would leverage existing FI&R and NSC funds using existing finance markets It seems that those who reviewed it and those who have helped develop it find it to be effective and based upon sound financial principals Public Schools, local municipalities, and States do it all the time We are told this can not be done for Indian Schools The Federal Government does not operate this way We are told by the Administration and Congress they will appropriate the necessary funds to meet the deplorable infrastructures of the Bureau of Indian Affairs Schools It has not happened and once again the attempts to increase funding during appropriations was defeated

In the FY99 budget let us as a reinvention laboratory privatize the construction of a few new schools in the Dakota Area (Ojibwa, Marty, and Loneman) Additional funding for this would show the privatization of finance, design, management, and construction It would decrease the time from design to occupancy It would reflect cost savings to the Federal Government It would prove Grant schools could account for funds better than the BIA The BIA or GAO would have oversight and final approval to allow the new facility into the facility management information system

Pilamaya Yelo,

Treaty of Fort Laramie



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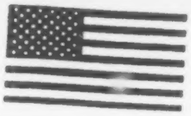


between

the Great Sioux Nation

and

the United States of America

Ratified by the United States Congress
February 24, 1869

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight-hundred and sixty-nine, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord, one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

Andrew Johnson

By the President:
William H. Seward,
Secretary of State

Article 1. From this day forward all war between the parties to this agreement shall cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at pease therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgement may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be re-imbursed therefor.

Article 2. The United States agrees that the following district of country, to wit, viz. commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern point of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly Tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

Article 3. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near as it can be obtained, as may be required to provide the necessary amount.

Article 4. The United States agrees, at its own proper expense, to construct on some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a store room for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars, an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or a mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

Article 5. The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be prevented for investigation under the provisions of their treaty stipulations, as also for the discharge of other duties enjoining on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

Article 6. If any individual belonging to the said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive
possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that nay male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have mae improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application, in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent of lands under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

Article 7. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with, and the United States agrees for that every thirty school children between said ages who can be compelled or induced to attend, a house shall be provided a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

Article 8. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seed and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

Article 9. At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of such Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

Article 10. In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks. For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics. For boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses of the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest to the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

Article 11. In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are party to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon-trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in the future object to the construction of railroads, wagon-roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservations, the Government will pay the tribe whatever the amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

Article 13. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

Article 14. It is agreed that sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgement of the agent may grow the most valuable crops for the respective year.

Article 15. The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in article 11.

Article 16. The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same, or without consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading by them to the settlements in the Territory of Montana shall be closed.

Article 17. It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become party to this treaty, but no further.

Executed on the part of the Uncpapa band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Co-kam-i-ya-ya, his x mark, The Man that Goes in the Middle [SEAL]
Ma-to-ca-wa-weksa, his x mark, Bear Rib [SEAL]
Ta-to-ka-in-yan-ke, his x mark, Running Antelope [SEAL]
Kan-gi-wa-ki-ta, his x mark, Looking Crow [SEAL]
A-ki-ci-ta-han-ska, his x mark, Long Soldier [SEAL]
Wa-ku-te-ma-ni, his x mark, One who Shoots Walking [SEAL]
Un-kca-ki-ka, his x mark, The Magpie [SEAL]
Kan-gi-o-ta, his x mark, Plenty Crow [SEAL]
He-ma-za, his x mark, Iron Horn [SEAL]

Shun-ka-i-na-pin, his x mark, Wolf Necklace [SEAL]
I-we-hi-yu, his x mark, The Man who Bleeds from the Mouth [SEAL]
He-ha-ka-pa, his x mark, Elk Head [SEAL]
I-zu-za, his x mark, Grind Stone [SEAL]
Shun-ka-wi-tko, his x mark, Fool Dog [SEAL]
Ma-kpi-ya-po, his x mark, Blue Cloud [SEAL]
W-min-pi-lu-ta, his x mark, Red Eagle [SEAL]
Ma-to-can-te, his x mark, Bear's Heart [SEAL]
A-ki-ci-ta-i-tau-can, his x mark, Chief Soldier [SEAL]

Attest

Jas. C. O'Connor
Nicholas Janis, interpreter
Franc LaFromboise, interpreter
P J. DeSmet, S J. missionary among the Indians
Saml. D. Hinman, B D. missionary

Executed on the part of the Blackfeet band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Can-te-pe-ta, his x mark, Fire Heart [SEAL]
Wan-mdi-kte, his x mark, The One who Kills Eagle [SEAL]
Sho-ta, his x mark, Smoke [SEAL]
Wan-mdi-ma-ni, his x mark, Walking Eagle [SEAL]
Wa-shi-cun-ya-ta-pi, his x mark, Chief White Man [SEAL]
Kan-gi-i-yo-tan-ke, his x mark, Sitting Crow [SEAL]
Pe-ji, his x mark, The Grass [SEAL]
Kda-ma-ni, his x mark, The one that Rattles as he Walks [SEAL]
Wah-han-ka-sa-pa, his x mark, Black Shield [SEAL]
Can-te-non-pa, his x mark, Two Hearts [SEAL]

Attest

Jas. C. O'Connor
Nicholas Janis, interpreter
Franc LaFromboise, interpreter
P J. DeSmet, S J. missionary among the Indians
Saml. D. Hinman, B D. missionary

Executed on the part of the Cutheads band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

To-ka-in-yan-ka, his x mark, The One who Goes Ahead Running [SEAL]
Ta-tan-ka-wa-kin-yan, his x mark, Thunder Bull [SEAL]
Sin-to-min-sah-pa, his x mark, All over Black [SEAL]
Can-i-ca, his x mark, The One who Took the Stick [SEAL]
Pa-tan-ka, his x mark, Big Head [SEAL]

Attest

Jas. C. O'Connor
Nicholas Janis, interpreter
Franc LaFromboise, interpreter
P J. DeSmet, S J. missionary among the Indians
Saml. D. Hinman, B D. missionary

Executed on the part of the Two Kettle band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Ma-wa-tan-ni-han-ska, his x mark, Long Mandan [SEAL]
Can-kpe-du-ta, his x mark, Red War Club [SEAL]
Can-ka-ga, his x mark, The Log [SEAL]

Attest

Jas. C. O'Connor
Nicholas Janis, interpreter
Franc LaFromboise, interpreter
P J. DeSmet, S J. missionary among the Indians
Saml. D. Hinman, B D. missionary

Executed on the part of the Sans Arch band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

He-na-pin-wa-ni-ca, his x mark, The One that has Neither Horn [SEAL]
Wa-inlu-pi-lu-ta, his x mark, Red Plume [SEAL]
Ci-tan-gi, his x mark, Yellow Hawk [SEAL]
He-na-pin-wa-ni-ca, his x mark, No Horn [SEAL]

Attest

Jas. C. O'Connor
Nicholas Janis, interpreter
Franc LaFromboise, interpreter
P J. DeSmet, S J. missionary among the Indians
Saml. D. Hinman, B D. missionary

Executed on the part of the Santee band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Wa-pa-shaw, his x mark, Red Ensign [SEAL]
Wah-koo-tay, his x mark, Shooter [SEAL]
Hoo-sha-sha, his x mark, Red Legs [SEAL]
O-wan-cha-du-ta, his x mark, Scarlet All Over [SEAL]
Wau-mace-tan-ka, his x mark, Big Eagle [SEAL]
Cho-tan-ka-e-na-pe, his x mark, Flute Player [SEAL]
Ta-shun-ke-mo-za, his x mark, His Iron Dog [SEAL]

Attest

Saml. D. Hinman, B D. missionary
J N. Chickering, Second Lieutenant, Twenty-second Infantry
brevet aptain, U S. Army
P J. DeSmet, S J.
Nicholas Janis, interpreter
Franc LaFromboise, interpreter

Executed on the part of the Minneconjon band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the twenty-sixth day of May, in the year A.D. 1868

Heh-won-ge-chat, his x mark, One Horn [SEAL]
Oh-pon-ah-tah-e-manne, his x mark,
The Elk that Bellows Walking [SEAL]
Heh-ho-lah-reh-cha-skah, his x mark,
Young White Bull [SEAL]
Wah-chah-chum-kah-coh-kee-pah, his x mark,
One that is Afraid of Shield [SEAL]
He-hon-ne-shakta, his x mark, The Old Owl [SEAL]
Moc-pe-a-toh, his x mark, Blue Cloud [SEAL]
Oh-pong-ge-le-skah, his x mark, Spotted Elk [SEAL]
Tah-tonk-ka-hon-ke-schne, his x mark, Slow Bull [SEAL]

Shonk-a-nee shah-shah-a-tah-pe, his x mark,
The Dog Chief [SEAL]
Ma-to-tah-ta-tonk-ka, his x mark, Bull Bear [SEAL]
Wom-beh-le-ton-kah, his x mark, The Big Eagle [SEAL]
Ma-toh-eh-schne-lah, his x mark, The Lone Bear [SEAL]
Mah-toh-ke-su-yah, his x mark,
The One who Remembers the Bear [SEAL]
Ma-toh-oh-he-to-keh, his x mark, The Brave Bear [SEAL]
Eh-che-ma-heh, his x mark, The Runner [SEAL]
Ti-ki-ya, his x mark, The Hard [SEAL]
He-ma-za, his x mark, Iron Horn [SEAL]

Attest

Jas. C. O'Connor
Wm. H. Brown
Nicholas Janis, interpreter
Antoine Janis, interpreter

Executed on the part of the Yanctonais band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Mah-to-non-pah, his x mark, Two Bears [SEAL]
Ma-to-hna-skin-ya, his x mark, Mad Bear [SEAL]
He-o-pu-za, his x mark, Louzy [SEAL]
Ah-ke-che-tah-che-ca-dan, his x mark,
Little Soldier [SEAL]
Mah-to-etan-chan, his x mark, Chief Bear [SEAL]
Cu-wi-h-win, his x mark, Rotten Stomach [SEAL]
Skun-ka-we-tko, his x mark, Fool Dog [SEAL]
Ush-ta-sap-pah, his x mark, Black Eye [SEAL]
Ih-tan-chan, his x mark, The Chief [SEAL]
I-a-wi-ca-ka, his x mark,
The One who tells the Truth [SEAL]
Ah-ke-che-tah, his x mark, The Soldier [SEAL]
Ta-shi-na-gi, his x mark, Yellow Robe [SEAL]
Nah-pe-ton-ka, his x mark, Big Hand [SEAL]
Chan-teh-we-kto, his x mark, Fool Heart [SEAL]
Hoh-gan-sah-pa, his x mark, Black Catfish [SEAL]
Mah-to-wah-kan, his x mark, Medicine Bear [SEAL]
Shun-ka-kan-sha, his x mark, Red Horse [SEAL]
Wan-rode, his x mark, The Eagle [SEAL]
Can-hpi-sa-pa, his x mark, Black Tomahawk [SEAL]
War-he-le-re, his x mark, Yellow Eagle [SEAL]
Cha-ton-che-ca, his x mark, Small Hawk, or Long Fare [SEAL]
Shu-ger-mon-e-too-ha-ska, his x mark, Tall Wolf [SEAL]
Ma-to-u-tah-kah, his x mark, Sitting Bear [SEAL]
Hi-ha-cah-ge-na-skene, his x mark, Mad Elk [SEAL]

Arapahoes
Little Chief, his x mark, [SEAL]
Tall Bear, his x mark, [SEAL]
Top Man, his x mark, [SEAL]
Neva, his x mark, [SEAL]
The Wounded Bear, his x mark, [SEAL]
Whirlwind, his x mark, [SEAL]
The Fox, his x mark, [SEAL]
The Dog Big Mouth, his x mark, [SEAL]
Spotted Wolf, his x mark, [SEAL]
Sorrel Horse, his x mark, [SEAL]
Black Coal, his x mark, [SEAL]
Big Wolf, his x mark, [SEAL]
Knock-knee, his x mark, [SEAL]
Black Crow, his x mark, [SEAL]
The Lone Old Man, his x mark, [SEAL]
Paul, his x mark, [SEAL]
Black Bull, his x mark, [SEAL]
Big Track, his x mark, [SEAL]
The Foot, his x mark, [SEAL]
Black White, his x mark, [SEAL]
Yellow Hair, his x mark, [SEAL]
Little Shield, his x mark, [SEAL]
Black Bear, his x mark, [SEAL]
Wolf Moccasin, his x mark, [SEAL]
Big Robe, his x mark, [SEAL]
Wolf Chief, his x mark, [SEAL]

Witnesses

Robt. P. McKibbin, Captain, Fourth Infantry, brevet lieutenent-colonel,
U.S. Army commanding Fort Laramie
Wm. H. Powell, brevet major, captain, Fourth Infantry
Henry W. Patterson, captain, Fourth Infantry
Theo. E. True, second lieutenant, Fourth Infantry
W. G. Bullock
Chas. E. Guern, special Indian interpreter for the peace commission

Fort Laramie, Nov. 6, 1868

Makh-pi-ah-lu-tah, his x mark, Red Cloud [SEAL]
Wa-ki-ah-we-cha-shah, his x mark, Thunder Man [SEAL]
Ma-zah-zah-geh, his x mark, Iron Cane [SEAL]
Wa-umble-why-wa-ka-tuyah, his x mark, High Eagle [SEAL]
Ko-ke-pah, his x mark, Man Afraid [SEAL]

Witnesses
W. McE. Dye brevet colonel, U.S. Army, commanding
A. B. Cain, captain, Fourth Infantry, brevet major, U.S. Army
Robt. P. McKibbin, captain, FourthInfantry, brevet lieutenant-colonel,
U.S. Army
Jno. Miller, captain, Fourth Industry
G. L. Luhn, first lieutenant, Fourth Infantry, brevet captain, U.S. Army
H.C. Sloan, second lieutenant, Fourth Infantry
Whittingham Cox, first lieutenant, Fourth Infantry
A. W. Vogdes, first lieutenant, Fourth Infantry
Butler D. Price, second lieutenant, Fourth Infantry

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brule' band of the Sioux nation have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. Taylor, [SEAL.]
W. T. Sherman, Lieutenant-General [SEAL.]
Wm. S. Harney, Brevet Major-General,
U.S. Army [SEAL.]
John B. Sanborn, [SEAL.]
S. F. Tappan, [SEAL.]
C. C. Augur, Brevet Major-General [SEAL.]
Alfred H. Terry, Brevet Major-General,
U.S. Army [SEAL.]

Attest:

A. S. H. White, Secretary.

Executed on the part of the Brule' band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D.T., the twenty-ninth day of April, in the year A.D. 1868.

Ma-za-pon-kaska, his x mark, Iron Shell [SEAL.]
Wah-pat-shah, his x mark, Red Leaf [SEAL.]
Hah-sah-pah, his x mark, Black Horn [SEAL.]
Zin-tah-gah-lat-skah, his x mark, Spotted Tail [SEAL.]
Me-wah-tah-ne-ho-skah, his x mark, Tall Mandas [SEAL.]
She-cha-chat-kah, his x mark, Bad Left Hand [SEAL.]
Bella-tonka-tonka, his x mark, Big Partisan [SEAL.]
Mah-to-ho-honka, his x mark, Swift Bear. [SEAL.]
To-wis-ne, his x mark, Cold Place [SEAL.]
Ish-tah-skah, his x mark, White Eyes [SEAL.]
Ma-ta-loo-zak, his x mark, Fast Bear [SEAL.]
As-hah-kah-nah-zhe, his x mark, Standing Elk [SEAL.]

Can-te-te-ki-ya, his x mark, The Brave Heart [SEAL.]
No-mah-no-pah, his x mark, Two and Two [SEAL.]
Tah-tonka-skah, his x mark, White Bull [SEAL.]
Con-ra-washta, his x mark, Pretty Coon [SEAL.]
Ha-cah-cah-she-chah, his x mark, Bad Elk [SEAL.]
Wa-ha-ka-zah-ish-tah, his x mark, Eye Lance [SEAL.]
Ma-to-ha-ke-tah, his x mark, Bear that looks behind [SEAL.]
Sunka-shaton, his x mark, Day Hawk [SEAL.]
Tatanka-wakon, his x mark, Sacred Bull [SEAL.]
Mapia Shaton, his x mark, Hawk Cloud [SEAL.]
Ma-sha-a-ow, his x mark, Stands and Comes [SEAL.]
Shon-ka-ton-ka, his x mark, Big Dog [SEAL.]

Attest:

Ashton S. H. White, secretary of commission
George B. Withs, photographer to commission
Geo. H. Holtzman
John D. Howland

James C. O'Connor
Chas. E. Guern, interpreter
Leon F. Pallardy, interpreter
Nicholas Janis, interpreter

Executed on the part of the Ogallalah band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, D.T., the twenty-fifth day of May, in the year A.D. 1868.

Tah-shun-ka-co-qui-pah, his x mark, Man Afraid of His Horses [SEAL.]
Sha-ton-skah, his x mark, White Hawk [SEAL.]
Sha-ton-sapah, his x mark, Black Hawk [SEAL.]
E-ga-mon-ton-ka-sapah, his x mark, Black Tiger [SEAL.]
Oh-wah-she-cha, his x mark, Bad Wound [SEAL.]
Pah-gee, his x mark, Grass [SEAL.]
Wah-non-reh-che-geh, his x mark, Ghost Heart [SEAL.]
Con-reeh, his x mark, Crow [SEAL.]
Oh-he-te-kah, his x mark, The Brave [SEAL.]
Tah-ton-kah-he-yo-ta-kah, his x mark, Sitting Bull [SEAL.]
Shon-ka-oh-wah-mon-ye, his x mark, Whirlwind Dog [SEAL.]
Ha-hah-kah-tah-miech, his x mark, Poor Elk [SEAL.]
Wam-bu-lee-wah-kon, his x mark, Medicine Eagle [SEAL.]
Chon-gah-ma-he-to-hans-ka, his x mark, High Wolf [SEAL.]
Wah-se-chun-ta-shun-kah, his x mark, American Horse [SEAL.]
Mah-hah-mah-ha-mak-near, his x mark,
Man that walks under the ground [SEAL.]
Mah-to-tow-pah, his x mark, Four Bears [SEAL.]
Ma-to-wee-sha-kta, his x mark, One that kills the bear [SEAL.]
Oh-tah-kee-toka-wee-chakta, his x mark,
One that kills in a hard place [SEAL.]
Tah-ton-kah-ta-miech, his x mark, The poor Bull [SEAL.]

Oh-huns-ee-ga-non-sken, his x mark, Mad Shade [SEAL.]
Shah-ton-oh-nah-om-minne-ne-oh-minne, his x mark,
Whirling Hawk [SEAL.]
Mah-to-chun-ka-oh, his x mark, Bear's Back [SEAL.]
Che-ton-wee-koh, his x mark, Fool Hawk [SEAL.]
Wah-hoh-ke-za-ah-hah, his x mark, One that has the Lance [SEAL.]
Shon-gah-manni-toh-tan-ka-seh, his x mark, Big Wolf Foot [SEAL.]
Eh-ton-kah, his x mark, Big Mouth [SEAL.]
Ma-pah-che-tah, his x mark, Bad Hand [SEAL.]
Wah-ke-yun-shah, his x mark, Red Thunder [SEAL.]
Wak-sah, his x mark, One that Cuts Off [SEAL.]
Cham-non-qui-yah, his x mark, One that Presents the Pipe [SEAL.]
Wah-ke-ke-yan-puh-tah, his x mark, Fire Thunder [SEAL.]
Mah-to-nonk-pah-ze, his x mark, Bear with yellow Ears [SEAL.]
Con-ree-teh-ka, his x mark, The Little Crow [SEAL.]
He-hup-pah-toh, his x mark, The Blue War Club [SEAL.]
Shon-kee-toh, his x mark, The Blue Horse [SEAL.]
Wam-Balla-oh-con-quo, his x mark, Quick Eagle [SEAL.]
Ta-tonka-suppa, his x mark, Black Bull [SEAL.]
Moh-to-ha-she-na, his x mark, The Bear Hide [SEAL.]

Attest:

S. E. Ward
Jas. C. O'Connor
J. M. Sherwood
W. C. Slicer
Sam Deon

H. M. Matthews
Joseph Bissonette, interpreter
Nicholas Janis, interpreter
Lefroy Jott, interpreter
Antoine Janis, interpreter

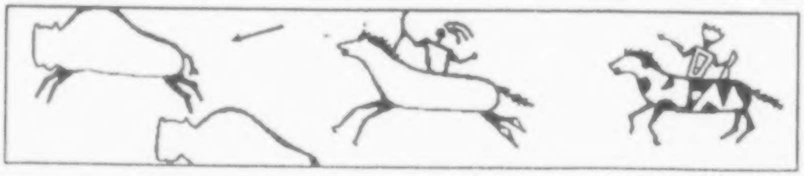
Proceedings of Council at Fort Laramie, April 28th & 29th, 1868

American Horse - Oglala

My heart is glad that some of my people who have died have been so well taken care of and buried on scaffolds. When I get back to my people I will tell them what you have done. I would like to have some things to take back to them. There are three things that I have always been against. Last fall, when I was here, I spoke about it. I want to be sure that the goods you are giving us are presents and not annuity goods. We do not want any treaty goods from you at all. These whites that you have put in my buffalo country I despise and I want to see them away. I suupose your great father send you here to tell us that you are going to take away the forts. You tell me that I am going to live. What you are talking about-signing the traty-I do not want to do. I cannot do anything here by myself. You know very well that if the treaty is signed by only a portion of our people it is not likely to stand good. When Red Cloud and the Man Afraid of his Horses come in, whatever they do I am willing to do the same.

Iron Shell - Brule'

I will always sign any treaty you ask me to do, but you have always made a way with them - broken them. The whites always break them. That is the way war has come up.



NATIONAL INDIAN EDUCATION ASSOCIATION, February-1998

INDIAN EDUCATION FUNDING
FISCAL YEARS 1996 - 1999 REQUEST
& Selected Educaton Department Programs

BUREAU OF INDIAN AFFAIRS TRIBAL PRIORITY ALLOCATION	FY 96	FY 97	PRESIDENTS REQUEST FY 98	ACTUAL FY 98	PRESIDENTS REQUEST FY 99	*Difference FY 98-99*
Scholarships	$26 285 000	$26 481 000	$29 524 000	$29 524 000	$29 036 000	*($488 000)*
Adult Education	$2 374 000	$2 486 000	$2 287 000	$2 287 000	$2 699 000	*$412 000*
TCCCs Supplement	$951 000	$986 000	$951 000	$951 000	$1 047 000	*$96 000*
JOM	$19 634 000	$18 177 000	$17 216 000	$17 216 000	$18 080 000	*$864 000*
Other Educ Design	$1 261 000	$1 301 000	$955 000	$955 000	$1 408 000	*$451 000*
TPA SUBTOTAL	**$50,505,000**	**$49,431,000**	**$50,933,000**	**$50,933,000**	**$52,268,000**	***$1,335,000***
OTHER PROGRAMS-SCHOOL OPERATIONS						
ISEP (Formula)	$262 833 000	$285 739 000	$296 272 000	$293 703 000	$308 518 000	*$14 815 000*
ISEP (Prog Adj)	$150 000	$150 000	$154 000	$154 000	$708 000	*$554 000*
Early Childhood	$5 471 000	$5 471 000	$5 471 000	$5 471 000	$5 513 000	*$42 000*
Student Transportation	$25 697 000	$31 604 000	$34 302 000	$32 802 000	$36 464 000	*$3 662 000*
Institutional Disabled	$3 432 000	$3 732 000	$3 737 000	$3 737 000	$3 741 000	*$4 000*
Facilities O&M	$67 846 000	$73 696 000	$74 628 000	$74 628 000	$77 409 000	*$2 781,000*
Administrative Cost Grants	$36 560 000	$42 160 000	$44 710 000	$42 160 000	$46 690 000	*$4 530 000*
Area/Agency T S	$6 897 000	$6 966 000	$7 032 000	$7 032 000	$7 142 000	*$110 000*
School Statistics ADP	$0	$700 000	$700 000	$700 000	$700 000	*$0*
Emergency Operations	$500 000	$0	$0	$0	$0	*$0*
OTHER PROG SUBTOTAL	**$409,386,000**	**$450,218,000**	**$467,006,000**	**$460,387,000**	**$486,885,000**	***$26,498,000***
TRIBALLY CONTROLLED COMMUNITY COLLEGES						
Operating Grants	$26 320 000	$26 320 000	$29 320 000	$28 820 000	$34 320 000	*$5 500 000*
Technical Assistance	$114 000	$114 000	$114 000	$114 000	$114 000	*$0*
Endowment Grants	$977 000	$977 000	$977 000	$977 000	$977 000	*$0*
TCCC SUBTOTAL	**$27,411,000**	**$27,411,000**	**$30,411,000**	**$29,911,000**	**$35,411,000**	***$5,500,000***
SPECIAL PROGRAMS/POOLED OVERHEAD - EDUCATION						
Postsecondary Schools	$11 732 000	$12 383 000	$12 682 000	$12 682 000	$12 921 000	*$239 000*
Special Higher Education	$1 337 000	$1 337 000	$1 337 000	$1 337 000	$1 337 000	*$0*
EDUCATION SUBTOTAL	**$13,069,000**	**$13,720,000**	**$14,019,000**	**$14,019,000**	**$14,258,000**	***$239,000***
EDUCATION CONSTRUCTION						
Replacement Sch Const	$18 500 000	$4 000 000	$14 000 000	$19 200 000	$37 400 000	*$18 200 000*
Employee Housing	$3 000 000	$3 000 000	$3 000 000	$3 000 000	$3 000 000	*$0*
Facilities I&R	$23 039 000	$24 139 000	$32 179 000	$32 179 000	$46 212 000	*$14 033 000*
ED CONST SUBTOTAL	**$44,539,000**	**$31,139,000**	**$49,179,000**	**$54,379,000**	**$86,612,000**	***$32,233,000***
BIA GRAND TOTAL	**$544,910,000**	**$571,919,000**	**$611,548,000**	**$609,629,000**	**$675,434,000**	***$65,805,000***
DEPARTMENT OF EDUCATION						
Office of Indian Education (OIE)						
Grants to LEAs	$50 000 000	$58 050 000	$59 750 000	$59 750 000	$62 000 000	*$2,250,000*
Special Programs for Indian Children	$0	$0	$0	$0	$3 265 000	*$3,265,000*
Special Programs for Indian Adults	$0	$0	$0	$0	$0	*$0*
National Activities	$0	$0	$0	$0	$735 000	*$735,000*
OIE Administration						
Office of Indian Education	$2 377 000	$2 943 000	$2 600 000	$2 600 000		
NACIE	$120 000	$120 000	$50 000	$50 000	$50 000	*$0*
TCCC Executive Order	$0	$0	$200 000	$200 000		
OIE TOTAL	**$52,497,000**	**$61,113,000**	**$62,600,000**	**$62,600,000**	**$66,050,000**	**$6,250,000**
Rehabilitative Services						
Grants for Indians	$10 572 000	$12 000 000	$12 360 000	$15 360 000	$17 283 000	*$1,923 000*
Other Ed Programs						
Goals 2000	$530 000 000	$491 000 000	$620 000 000	$491 000 000	$501 000 000	*$10 000 000*
Impact Aid	$693 000 000	$730 000 000	$658 000 000	$808 000 000	$696 000 000	*($112 000 000)*
Alaska Native Educ Equity	$0	$8 000 000	$8 000 000	$8 000 000	$8 000 000	*$0*
America Reads	$0	$0	$260 000 000	$0	$260 000 000	*$260 000 000*
Voc Ed - Indian Set-Aside	$14 666 000	$15 436 000	$15 961 000	$15 616 000	$20 128 000	*$4 512 000*
TCCC Postsec Inst	$2 919 000	$2 919 000	$2 919 000	$3 100 000	$0	*($3 100 000)*

National Indian Education Association, February 23, 1998

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March 9, 1998

BIA'S FY99 BUDGET REQUEST FOR SCHOOL OPERATIONS AND NEW SCHOOL CONSTRUCTION

Overview

Under the "forward funding" cycle, the BIA FY99 budget request for School Operations will fund most school year 1999-2000 program operations. Only the facilities operation + maintenance program is current-year funded, meaning that funds provided in FY99 will be used for the 1998-99 school year.

Noteworthy statistics. Enrollment in the BIA system continues to grow -- by 2.3% between SY96-97 and the current school year (97-98). BIA prudently projects a 3% enrollment increase for each of the next two school years. The other significant statistic -- the ratio between total students and total WSUs -- remains relatively constant. Each student has produced between 1.79 to 1.82 WSU over the past three years, and BIA projects 1.82 for the next two school years. This ratio is important because ISEF funding is divided by the system-wide WSU total to determine the WSU base amount each year.

Trouble Spots. Facilities operation + maintenance and Administrative Cost Grant funding pose the biggest problems in the FY99 budget request. The Facilities O+M request is not even sufficient to maintain funding at the current highly constrained rate of 67%. It is doubtful that the request for AC Grants will be sufficient to cover all currently tribally-operated schools and the 26 schools that want to convert to contract or grant by SY1999-2000.

BIA requests bill language that would place a statutory "cap" on the amount of funds spent on Administrative Cost Grants. BIA seeks this bill language to give it authority to pay *less than* the amount required by law.

School Operations Budget

ISEF *(forward funded)*. The BIA proposes to increase ISEF funding by $14.8 million (total request of $308.5 million). With the projected 3% increase in students, this would produce a WSU base of $3,124 in SY1999-2000. *The current year's WSU base is $3,067, but this is expected to drop to $3,062 in SY98-99.* If the BIA's $3,124 estimate for SY1999-2000 is accurate, it will mark only a 5% increase in the WSU base of five years ago. This, of course, is not even enough to keep up with inflation.

Student transportation *(forward funded)*. The BIA requests slightly more than a $3.6 million increase for this program, for a total of $36.4 million. The budget narrative indicates school bus day miles increase by about 600,000 each year, and that the budget request would enable OIEP to fund transportation at a rate of $1.98/mile for SY1999-2000. The SY97-98 level is $1.90/mile. OIEP says that the national average from three years ago was $2.92/mile, so the BIA system funding is still running about 33% behind the average public school transportation funding.

Administrative Cost Grants *(forward funded)*. OIEP asks for a $4.5 million increase for AC Grant, which would produce a total of $46.7 million. The narrative states that 26 more schools will convert to contract or grant status over the next two years -- SY98-99 and SY99-2000.

The requested increase will be insufficient to cover the administrative cost needs of all contract and grant schools. The BIA acknowledges that the budget request will not be sufficient; it projects paying AC Grant at a 94% level of need over the next two years. Frankly, even this payment level seems overly optimistic. Recall that Congress did not grant the requested increase in AC Grant funding last year. Thus, the AC Grant needs of all new conversions will have to be absorbed by the system in SY98-99.

Employee displacement costs (NOTE: This is funded by the "Special Programs and Pooled Overhead" account, not by the School Operations account). When a tribe or tribal organization takes over a BIA-operated program, the federal employees displaced by this action are entitled by law to severance pay. The shortage of BIA funding to pay these costs resulted in OIEP refusing to allow about 10 schools to convert to contract or grant status this school year.

The FY99 budget asks for $5.3 million to cover severance costs for displaced BIA employees. These funds are intended to cover both school conversions to contract or grant status as well as contracting of other BIA programs. The budget justification contains the following entry regarding school conversions:

> "The Office of Indian Education Programs has been notified by Tribes that they intend to contracting 37 schools that are currently being operated by the Bureau over the next several years. The estimated employee displacement costs required to cover this contracting is about $19.1 million over the next three to four years."

Facilities Operation + Maintenance ***(current year funded)***. The budget request for this program is dreadful. The BIA seeks only a $2 million increase (plus $761,000 in "uncontrollable" changes) for facilities O+M. Thus, this account will be grossly underfunded again.

An early draft of the budget narrative included a brutally frank analysis of the limitations of this underfunded account, but this language was dropped in the final budget justification (most likely at the insistence of higher-ups at the Interior Department). The earlier draft stated:

> The $2,000,000 increase will not permit the Bureau to fund support of Facilities Operation and Maintenance costs at the 185 elementary and secondary schools and two post-secondary institutions beyond 68% of actual operating costs for fiscal 1999. The known increase in square footage from FY98 amounts to 503,019 square feet. The average cost of O&M funding is $5.00 per square foot. Thus to fund the added square footage, $2,523,495 would be required.
>
> This increase does not take into consideration escalation of employee salary costs, increase in utility rates or materials and supplies. The net effect is that all BIA funded schools will experience lower operating budgets and continued deterioration of physical plant conditions, and will perpetuate unsafe conditions for students and school staff.
>
> The $2,000,000 increase is critical to keeping a major portion of schools operating at bare minimum service level. Unfortunately, the increase is not sufficient enough to relieve schools of the need to use ISEP funds to maintain, at best, a sub-marginal facilities operation and maintenance program. This could have a negative impact on GPRA Goal 1, as a safe environment is a perquisite for improved academic learning.
>
> This funding level will jeopardize implementation of a preventative maintenance program, curtail participation of school facilities maintenance personnel statutorily required training, preclude funding of the Bureau's certified boiler operator training program, and seriously impede the Office of Indian Education Programs' ability to provide proper program management.

Area and Agency Technical Support. This is a relatively small account and one to which we do not usually pay much attention. It is not so much the amount of funding requested as the number of FTE (full-time equivalent staff persons) that will be supported by this budget that makes it noteworthy.

The curious thing is that the funding for this account has increased annually over the past few years, although the *FTEs have declined by more than 50%* between **FY96** and **FY98**, from 101 to 48. Mysteriously, the number of FTEs to be supported by this line item in **FY99** is stated differently in two places in the budget. The chart on page 106-107 now says 92 FTE are to be funded, while the narrative on page 116 says that number is 48 FTE, the figure used in the last two budgets. Historical data follow:

FY96	101 FTEs	$6,897,000
FY97	48 FTEs	$6,966,000
FY98	48 FTEs	$7,032,000
FY99 request	92 or 48 FTEs	$7,142,000

One would expect the FTEs and the funding to decline in view of the number of schools converting to contract or grant status. Examination of this account with OIEP officials is warranted.

II. Education Construction and FI+R

New School Construction. This is a very generous budget request. BIA seeks $37.4 million to construct the 9th, 10th and 11th schools on the construction priority list: Seba Dalkai (Navajo, Arizona); Sac & Fox School in Iowa; and Pyramid Lake High School in Nevada. If this funding is supplied by Congress, Shiprock Alternative, the 12th school on the priority list, should be in the FY2000 budget request next year. The 13th through 16th schools on the priority list are Tuba City Boarding School (Navajo); Fond du Lac Ojibway; Second Mesa; and Zia Day School. All are in the planning or design phases.

Education Facilities Improvement + Repair. The BIA's published budget materials say this budget request is $46.2 million, an increase of $14 million. BIA reports that the value of the backlog of FI+R projects is $695 million.

III. Noteworthy Bill Language

The Alamo/Miccosukee case[1] decided by the Interior Board of Contract Appeals (IBCA) on December 4, 1997, held that the Secretary of the Interior has a *mandatory duty* to pay Administrative Cost Grants to contract and grant schools at 100% of the amount produced by the statutory formula. In addition, the IBCA said that tribal contractors who operate other BIA programs under an Indian Self-Determination Act contract are entitled to receive 100% of the contract support costs calculated under their indirect cost rates. BIA asked for reconsideration, but on March 2, the IBCA declined to change its decision.

BIA, very alarmed at the potential funding consequences of this decision, has proposed FY99 bill language to address both the indirect cost and AC Grant portions of this decision. It seeks to place a "cap" on the amount of BIA funds that can be spent on AC Grant. The BIA-requested bill language follows:

> ...*Provided, That notwithstanding the Indian Self-Determination Act of 1975, as amended and 25 USC 2008,* [the AC Grant formula section of the law] *not to exceed $46,690,000 within and only from such amounts made available for school operations shall be available to Tribes and Tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools;* .....

With this language, BIA is asking Congress: (1) to make a major amendment to the authorizing statute through the appropriations bill without any consideration by the legislative committee, *and without any consultation with tribes and school officials, as required by law (25 USC §2011);* (2) to help BIA overturn a holding that the Bureau has violated the law; and (3) to allow BIA to purposely *underfund* administrative cost grants in SY1999-2000 and most likely thereafter, as well.

---

[1] *Alamo Navajo School Board, Inc. and Miccosukee Corp.*, IBCA 3463-3466, IBCA 3560-3562, Dec. 4, 1997.

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April 28, 1998

INDIAN EDUCATION ISSUES REPORT

EDUCATION PRIORITIES FOR FY 2000 BIA BUDGET

As we reported to you on April 24, Marie Osceola-Branch is attending the BIA-tribal representatives meeting on priorities for the FY 2000 budget in Palm Springs, CA this week. During the meeting, Marie will be making a presentation about the education priorities of tribally-operated schools.

Attached for your information is a copy of the paper submitted at the meeting. It focuses on the following three priority education budget items:

- Facilities Improvement and Repair: Fund at no less than $100 million
- Facilities Operation and Maintenance: Fund at no less than $104 million
- Administrative Cost Grants: Do not include the legislative proposal contained in the FY 1999 budget request which would impose a cap on administrative/indirect costs, fully fund this budget item, and consult with tribal and school officials regarding major policy changes such as this proposal.

For more information, contact:
Carol L. Barbero (email: cbarbero@hsdwdc.com)
Marie Osceola-Branch (email: mosceola-branch@hsdwdc.com)

SUBMISSION OF TRIBALLY-OPERATED SCHOOLS REGARDING EDUCATION PRIORITIES FOR FY 2000 BIA BUDGET

April 27, 1998

BIA School Facilities Improvement & Repair

The nation, the Administration, the Congress and many states are recognizing the critical condition of public school facilities throughout the country -- and are seeking ways to correct this alarming problem. It is time for the Bureau of Indian Affairs to take serious steps to address these same problems in the BIA-funded school system where many future Tribal leaders are being educated.

The backlog of required health and safety repairs and improvements to meet even the most basic education programmatic needs has reached crisis levels. BIA acknowledges a $700 million backlog, a figure that is probably a severe under-estimate. Recent budget requests for the Education Facilities Improvement & Repair (FI&R) account have been but a fraction of this amount ($32 million in FY 1998, and $46 million in FY 1999). Such small sums make no dent in the backlog, and, since they are not even enough to address safety needs, the backlog continues to grow larger every year.

Tribes must insist that the BIA commit to making Education FI&R funding a top priority -- NOW. A ten-year plan with the objective of eliminating the backlog must be adopted in order for this school system to do its job. The FY 2000 budget request for Education FI&R should be set at no less than $100,000,000.

Facilities Operation & Maintenance

One of the primary reasons for the massive repair backlog is that funding for basic school facilities expenses never meets the annual need for operations and maintenance. The BIA knows this. In fact, the preliminary draft of the BIA's FY 1999 budget request made the following frank admission, which ultimately was removed from the final request (emphasis added):

> This [$2 million] increase does not take into consideration escalation of employee salary costs, increase in utility rates or materials and supplies. **The net effect is that all BIA funded schools will experience lower operating budgets and continued deterioration of physical plant conditions, and will perpetuate unsafe conditions for students and school staff.**
>
> The $2,000,000 increase is critical to keeping a major portion of schools operating at bare minimum service level. Unfortunately, the increase is not sufficient enough to relieve schools of the need to use ISEP funds to maintain, at best, a **sub-marginal facilities operation and maintenance program.** This could have a negative impact on GPRA Goal 1, as a safe environment is a prerequisite for improved academic learning.

-- OVER --

This funding level will jeopardize implementation of a preventative maintenance program, curtail participation of school facilities maintenance personnel statutorily required training, preclude funding of the Bureau's certified boiler operator training program, and seriously impede the Office of Indian Education Programs' ability to provide proper program management.

Tribes must insist that the Education Facilities Operation & Maintenance budget cover annual operating costs every year. For FY 2000, this budget must be at least $104 million.

Attempt to "Cap" Administrative Cost Grants

In its FY 1999 budget request, the BIA asks Congress to amend the authorizing law to impose a "cap" on funding for tribally-operated school administrative/indirect costs. This decision was made by federal bureaucrats alone. It was not raised by the BIA at the FY 1999 budget meeting with tribal leaders, nor was there prior (or subsequent consultation) with tribal and school officials on this major policy change as is required by law (25 USC §2011). Also, no proposed amendment was ever submitted for consideration by the congressional authorizing committees. Schools are fighting this blatant breach of faith in the FY 1999 budget process.

Tribes must insist that no such language is repeated in the BIA's FY 2000 budget request. They must also insist that the BIA fully fund administrative/indirect costs, and that the Secretary comply with the law that requires him to consult on proposed major policy changes, and to follow the views of tribal and school officials expressed during the consultation.

For more information, contact:
Marie Osceola-Branch or Carol Barbero
Hobbs, Straus, Dean & Walker
Washington, DC
(202) 783-5100

April 1, 1998

Citation Search Result Rank 3 of 3 Database
144 Cong.Rec. S2890-01 CP
1998 WL 147976 (Cong.Rec.)
(Cite as: 144 Cong. Rec. S2890-01, *S2909)

I appreciate the fact the manager is going to yield to our friend from South Dakota.

AMENDMENT NO. 2210, AS MODIFIED

(Purpose: To express the sense of the Senate regarding repair and construction needs of Indian schools)

Mr. JOHNSON.

Mr. President, I ask unanimous consent to send a modified version of the amendment to the desk.

The PRESIDING OFFICER.

The Senator has a right to modify his amendment.

The amendment (No. 2210) as modified, is as follows:

At the end of Title III, insert the following:

Sec. SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.-The Senate finds that-

(1) many of our nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;*S2910

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government;

(3) sixty-three percent of the BIA schools are over 30 years old, and twenty-six percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these " portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20-$30 million annually, meeting only 4% of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus

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at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the federal government. Unfortunately, the failure of the federal government to live up to this responsibility has come at the expense of quality education for some of this nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.-It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

The PRESIDING OFFICER.

Does the Senator from New Mexico yield time?

Mr. DOMENICI.

I believe he is calling up an amendment and he has time on the amendment.

Mr. JOHNSON.

Mr. President, the amendment that is being offered is with the cooperation of Chairman DOMENICI. It is cosponsored by Senators DASCHLE, DORGAN, BINGAMAN, WELLSTONE, MCCAIN, KOHL, CONRAD and MURRAY, and it is a sense-of-the-Senate resolution, which is designed to reflect on the crisis that we have with Indian school funding in the United States today. This is an issue that Chairman DOMENICI has, shared with me as a matter of great concern on the Senate Budget Committee.

We recognize the budget resolution assumes $166 million will be allocated for Indian school repair work and replacement work. However, we recognize this is part of the budget resolution and is not binding on the Appropriations Committee.

There is a need to raise the visibility of the very real crisis that exists in terms of BIA school funding and replacement needs. That is the purpose of this sense of the Senate. The BIA manages some 143 schools within the United States. It is a Federal responsibility. This is not a question of whether the Federal Government ought to be involved in these schools or not. In this instance, these schools are Federal property and it is a Federal responsibility.

We have a repair and replacement backlog now of about $754 million. The rate at which we have been replacing some 60 schools that currently are in need of replacement has been at about one per year. So obviously the backlog is getting larger and larger as we go about this kind of underfunded replacement and renovation.

Mr. President, 40 percent of the BIA students attending class are attending class in portable classrooms. We have a fast-growing population attending these schools, and it is clear that something far different from what we have been doing in the past is absolutely essential if, in fact, we are going to meaningfully address this backlog.

It is our concern that we have to infuse more resources into the backlog problem, and that we have greater direction from the White House itself, from

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the BIA itself, relative to a concrete plan to get this done over a relatively modest timeframe, over the next 5 years.

So this resolution calls on the administration to work with us in arriving at a plan that is infused with sufficient funds to make significant progress over these coming years on this backlog. This resolution will send a signal, and I think an important signal, to the appropriators and to the administration that this is a crisis that we recognize and we acknowledge, and for which there is a bipartisan concern.

So that is the thrust of this resolution. I commend Chairman DOMENICI for working with me, and for the work of his staff, working with my staff, trying to arrive at a strategy that is constructive and is meaningful on this problem. The Senator represents a State with a significant Indian population, suffering many of the same problems that the Native American population in my State of South Dakota suffer. So this is a problem about which we jointly share a great concern.

The chairman is commended for a longstanding commitment to trying to enhance opportunities and the quality of life for the Native American population of his State and around the United States in general. This is one area where we both agree; I believe that higher visibility and a higher level of commitment is badly needed.

The PRESIDING OFFICER.

The Senator from New Mexico.

Mr. DOMENICI.

I wonder if the Senator will yield me 5 minutes?

Mr. JOHNSON.

I yield the Senator 5 minutes.

Mr. DOMENICI.

First, I want to ask, did the Senator name me as a cosponsor?

Mr. JOHNSON.

Yes; I did.

Mr. DOMENICI.

I wonder if Senator BINGAMAN of New Mexico has been asked about being a cosponsor?

Mr. JOHNSON.

Senator BINGAMAN was also named. We are very proud to have both Senators from New Mexico on this amendment as cosponsors.

Mr. DOMENICI.

Is Senator CAMPBELL, the chairman of the Indian Affairs Committee, on it?

Mr. JOHNSON.

We do not have Senator CAMPBELL on it. Senator CAMPBELL held a hearing and a mark-up today at his committee, and we have not been able to reach him on this amendment as yet.

Mr. DOMENICI.

I wonder if you would mind having him called and we will modify it by adding him on it. I think we should ask to have the chairman on it.

Mr. JOHNSON.

That is a good idea.

Mr. DOMENICI.

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What has been amazing to the Senator from New Mexico is the way the U.S. Government fails to recognize its sole and singular responsibility. We are busy all the time, every year, with budgets that try to do new things. Frankly, the President of the United States had a very long list of new things, new programs. In fact, he had a suggestion that we use a lot of the money for helping classroom size, helping build public schools. But the real problem here is that if we do not rebuild the Indian schools that are run by the Government and put them under some management and maintenance, nobody will. They don't belong to anybody else. They are not being run by the State of Georgia, or the school board of Bernalillo County, Albuquerque. It is either we do it or the Indian young people go to school in buildings that are not fit for occupancy, much less for Indian education.

I don't know what to do about it. The Senator from New Mexico doesn't know what to do about it. I work at it every year. We need to get some proposal to get this huge backlog taken care of and get on with being able to say to our Indian young people and the teachers who are in those schools, "We think enough of you to give you a school that offers you an opportunity like the rest of Americans to get educated." The school building doesn't make the child, but I tell you, you can have a bad enough school building that the child can hardly learn.

So I have asked that this resolution contain another provision, just in an effort to see if we can get there, and that provision, which was in the modification that Senator JOHNSON sent to the desk, asked the President of the United States-if I am not correct-it asked the President to submit to us by a date certain a 5-year plan to see to it that, regarding the Indian schools the Government owns, the Government must maintain them or they will not get maintained, and those where we have to build a new one because the old one is decrepit, that entire package be put in a 5-year plan and the President *S2911 recommend to us how we might get that done.

Frankly, I believe unless and until that shows up in a Presidential budget, we are not going to find the resources in the Senate or the House to do what we must do. This is not a little $50 million problem; this is a hundreds-of-million-dollar problem. So I believe we are on to something here in this resolution. It is not just a hollow one; it is one that is to get something back from the Chief Executive of America, and it is going to tell us whether we agree on this problem, and if they do, how do we take care of it in a given number of years.

I anxiously await, and I will see to it that we hold this in conference, because I think it is the kind of thing that should be in the budget. Some sense-of-the-Senates don't belong in, but this belongs in because this is a problem we can't fix in a budget resolution. We can hardly fix it in appropriations, as you know. So, Senator, thanks for your leadership. I am glad to be on board. This will be welcome news in Indian country.

Mr. JOHNSON.

I thank the chairman for his supportive remarks here. The chairman has a great understanding, profound understanding, of the immensity of the problem that this country faces relative to Indian schools and the need for White House leadership on this issue. We will work with the White House in that regard, but

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it is going to require a cooperative effort if we are going to have any success on a problem of this immensity.

Mr. President, I ask unanimous consent that Senators KOHL, CONRAD, INOUYE, and MURRAY be added as cosponsors to this amendment.

The PRESIDING OFFICER.

Without objection, it is so ordered. And the Senator from North Dakota?

Mr. DORGAN.

Mr. President, I will be proud to be made a cosponsor of this amendment.

The PRESIDING OFFICER.

Without objection, it is so ordered.

Mr. DORGAN.

Let me just take 30 seconds.

Mr. JOHNSON.

I yield to the Senator.

Mr. DORGAN.

Mr. President, I support fully the comments made by the Senators from South Dakota and New Mexico, and in fact I hope in just a moment to be able to speak off the bill on the Moseley-Braun amendment, and I intend to address a few of these issues with respect to that as well. And I am pleased the Senator offered the amendment and pleased to hear the comments of the Senator from New Mexico as a cosponsor.

Mr. CONRAD.

Mr. President, I rise today in support of the Johnson amendment, which expresses the sense of the Senate about the need to address the Bureau of Indian Affairs school construction backlog.

The conditions at the schools on America's Indian reservations are some of the worst in the nation. They are truly deplorable. In January, I accompanied the Assistant Secretary for Indian Affairs on a tour of the Standing Rock Community School at Fort Yates, North Dakota. I wish every one of my colleagues in the Senate could see the conditions at this school. The school was built in an open-classroom design, without walls between the classrooms. The noise at the school can be deafening at times, and this is not an environment in which students can learn. How is it that we can have a school in which the physical conditions actually prohibit learning from happening? In addition, the heating and cooling system at the school is grossly inadequate, so it can be 50 degrees in one wing of the school, and 80 degrees in another.

As bad as this is, things have recently gotten worse: the lights at this school and the local elementary school have begun to leak an oily substance that has been found to contain PCBs. The Bureau of Indian Affairs is in the process of removing these lights and conducting additional testing for further contamination. They are also testing the ceiling tiles, which preliminary tests show may contain dioxin. To protect the health of the students, the schools were shut down for weeks. The BIA is in the process of reopening the schools' classrooms and other facilities, as clean-up is completed. These conditions pose serious threats to the health of the children of the Standing Rock Reservation. How can we ask families to sent their children to be educated in such deplorable conditions?

In looking at conditions at schools throughout Indian Country, the Standing

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Rock Community is not an anomaly. In January, the GAO released a report on conditions at BIA schools and the costs to repair these schools. The BIA estimates that the costs of total inventory repair need for BIA education facilities is $754 million.

Data from a 1994 National Schools Facilities Survey conducted by GAO show that BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for educational reform, and are less able to support computer and communications technology, compared to other schools nationwide.

Of the conditions found at BIA schools:

62 percent had at least one building in less than adequate condition, compared with 33 percent of all schools.

79 percent had at least one inadequate building feature (such as roofs, floors, foundations, plumbing, heating, electrical power, and life safety codes). Nationwide, 57 percent of all schools had at least one inadequate building feature.

94 percent had at least one unsatisfactory environmental condition, compared with 50 percent of schools nationwide. Environmental conditions include lighting, heating, ventilation, indoor air quality, acoustics, flexibility of instructional space, energy efficiency, and physical security of building.

These are serious school construction needs-about $754 million worth-that should be addressed, and should be addressed quickly. The Johnson amendment expresses the sense of the Senate that the BIA school construction backlog should be eliminated within five years. We need a serious, sustained effort to get the job done and provide a safe environment in which Native American children can get an education.

The Johnson amendment also requires the Administration to submit to Congress a plan for how this construction backlog will be addressed. As a member of the Senate Committee on Indian Affairs, I intend to work closely with Kevin Gover, Assistant Secretary for Indian Affairs, to ensure that the job gets done. Assistant Secretary Gover visited North Dakota and quickly grasped the magnitude of the school construction problem. He has made a commitment to me and other members of the Committee to take action on this school construction backlog.

We cannot let these conditions persist. We cannot let the BIA school construction backlog continue to grow out of control. And we cannot continue to ask parents to send their children to school where learning cannot take place and where serious health hazards exist. I hope that all of my colleagues will vote for the Johnson amendment and show their support for the will-being of Native American children.

Mr. DOMENICI.

Mr. President, today there is a $1.5 billion backlog of repairs, renovation, and replacement for all federally owned and operated BIA schools, including elementary, secondary, and post-secondary schools.

A December, 1997 report by the General Accounting Office (GAO) concluded that "the cost of the total inventory of repairs needed for BIA education facilities (elementary and secondary only) is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee

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housing.

The footnote to this estimate notes that $754 million "does not include the costs of replacing school buildings. BIA's priority list for constructing education facilities includes eight unfunded school replacement projects with a total estimated cost of $112 million."

THE BIA CONSTRUCTION PRIORITY LIST

Mr. President, we in the Senate who pay close attention to this BIA priority list for school construction are well aware that this list has been frozen for several years now. This means that the eight school scheduled for replacement are the ones on this frozen priority list. I am attaching this list of 16 total BIA schools from the Administration's FY 1999 budget request for the RECORD.

***S2912**

Obviously, a school that is replaced would be deleted from the list of school needing repair. The GAO report includes the costs of schools scheduled for replacement. In short, the GAO estimate does not fully estimate the costs of replacement schools.

To get a rough idea of the costs of replacing these schools, including those that are not on the frozen priority list, I have checked with the Assistant Secretary for Indian Affairs, Kevin Gover. His office informs me that 50% of the 185 BIA schools are over 30 years old and fail to meet current codes and standards.

The GAO, has noted that 25% of BIA schools are over 50 years old, and, of course fail to meet the same standards for safety and teaching.

TOTAL BIA SCHOOLS NEEDING REPLACEMENT AND REPAIR

There are 93 BIA schools that should be replaced-well beyond the current priority list of 16. At an average cost of $180 per square foot, these 93 schools would cost one billion dollars to replace.

Replacing these 93 oldest BIA schools would leave about $200 million in repair and renovation costs for the remaining 92 BIA schools.

This simple arithmetic gives us a current estimate of about $1.2 billion to bring all federally operated BIA schools up to par.

INDIAN COMMUNITY COLLEGES

These Indian community colleges fall into two categories: those run by the BIA and those that are tribally controlled community colleges.

In the first category, those run by the BIA, Haskell (Kansas) and SIPI (Albuquerque) are the only two that are fully federally operated by the BIA. The BIA now has 26 tribally controlled community colleges eligible to receive funds through the Tribally Controlled Community Colleges Act, and one more, United Tribes Technical College, funded through the BIA's Community Development funds.

In total, then, there are 29 Indian Community Colleges with direct BIA funding, and one, Crownpoint Institute of Technology, that is funded primarily through the Carl Perkins Vocational Education program of the U.S. Department of Education.

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These Indian community colleges have an estimated repair and renovation cost of about $310 million. Replacement costs, such as the Shiprock branch of Navajo Community College, are not included. The Shiprock branch is estimating the costs for a new campus at about $28 million. The need for married student housing at Crownpoint Institute of Technology is also not included.

TOTAL BIA SCHOOLS AND INDIAN COMMUNITY COLLEGES

For the sake of simplicity, we can easily estimate that total repair, renovation, and replacement costs for all elementary, secondary, and post-secondary BIA schools and tribal schools eligible for BIA funds, exceed $1.5 billion.

GAO REPORT ON BIA SCHOOLS

For the benefit of my colleagues, I would like to submit an edited version of the GAO study on Indian school repair needs. Please keep in mind that this report is focused on elementary and secondary schools only.

The GAO finds that 47,200 Indian students are served by 173 schools. The BIA count is 185 schools and over 50,000 students. The BIA schools range in size from 15 to 1,144 students, with about half of these schools enrolling fewer than 200 pupils.

Growth is very high in these schools with an increase in student enrollment of 25 percent since 1987. Most of this growth has occurred in the last 5 years.

About 10 percent of all Indian students attend BIA schools, funded or operated by the BIA. The vast majority or 90% of Indian students in America attend regular public schools.

BIA schools are located in 23 states, but are highly concentrated in 5 states-North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA schools are generally in poorer physical condition that even central city schools and lack more key facility requirements than typical American schools.

The BIA schools are older and less able to support computer and communications technology than average American schools.

CONCLUSION (S. RES. 100 ON EDUCATION OF AMERICAN INDIANS)

In addition to the physical needs of our federally operated Indian schools and colleges, there is a parallel crisis in operating funds for Indian schools nationwide.

American Indian students have the highest dropout rate of any racial ethnic group (36%) and the lowest high school completion and college attendance rates of any minority group.

Average annual funding for Indian college students is $2,900 compared to $6,200 for Americans as a whole.

Senate Resolution 100, introduced in the First Session of this Congress which I introduced with the cosponsorship of Senators CAMPBELL, INOUYE, JOHNSON, DORGAN, and WELLSTONE, discusses the overall situation of Indian education and calls upon the 105th Congress to address these issues through major education

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bills under consideration.

I urge my colleagues to review Senate Resolution 100, and support its passage by this body in order to draw more needed attention to the major problems we face today in Indian education.

I ask unanimous consent that S. Res. 100 be printed in the RECORD, along with the BIA school construction priority list, and my summary of the GAO report on Indian school repairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPLACEMENT SCHOOL CONSTRUCTION

Program Description ($19,200,000: During fiscal years 1991 thru 1997, $117.2 million was appropriated to complete construction of schools at Laguna, Choctaw, Dunseith, Pine Ridge, and the Haskell Dormitory, as well as the first eight schools on the Replacement School Construction Priority List (List). Funds appropriated in FY 1998 were used to start construction of the Many Farms School complex. This school is ranked no. 4 on the Replacement School Priority List (List). Funds appropriated in FY 1998 will be used to accomplish site work at both the Sac & Fox Settlement School and the Pyramid Lake High School. These schools are ranked 10 and 11, respectively, on the List. Congress also funded this rebuilding of the Wa-He-Lut School which was completed in seven months and is occupied. The status of each school project on the List is presented below. TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

SUMMARY OF GAO REPORT ON CONDITION OF BIA SCHOOLS

(1) BIA reports that the cost of the total inventory of repairs needed for BIA education facilities is $754 million; (2) this includes the cost of repairs to all school buildings, including dormitories for students and employee housing; and (3) data from GAO's 1994 National School Facilities Survey show that, compared to other schools nationally, responding BIA schools: (a) are generally in poorer physical condition; (b) have more unsatisfactory environmental factors; (c) more often lack key facilities requirements for education reform; and (d) are less able to *S2913 support computer and communications technology.

PERCENT OF INDIAN CHILDREN IN BIA SCHOOLS

While most Native American children attend regular public schools, about 10 percent attend BIA schools, which are funded by BIA and operated either by BIA or by various tribes through grants or contracts from BIA.

BIA schools are found in 23 states but are highly concentrated in 5-North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA funded 173 schools (including boarding schools) in school year 1996-97, with a total enrollment of 47,214. The schools ranged in size from 15 to 1,144 students, with about one-half enrolling fewer than 200 pupils.

Enrollment in BIA schools is growing and overall has increased 25 percent

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since 1987. Most of this growth has occurred in the last 5 years!

GAO ESTIMATES ON NATION'S SCHOOLS

We estimated that the nation's schools needed about $112 billion (k/ 6.6% sampling error) to repair or upgrade facilities to good overall condition. Responses to our survey indicated that about 33 percent of America's schools reported needing extensive repair or replacement of one or more buildings; almost 60 percent reported problems with at least one major building feature, such as plumbing; and about 50 percent reported unsatisfactory environmental conditions.

Furthermore, many reported lacking critical physical capabilities to meet the functional requirements of education reform and key technology elements to support computers and communications technology.

ISOLATION OF BIA SCHOOLS

BIA officials told us that BIA schools are often located in isolated areas and have to provide and maintain extensive campus infrastructures because they are too far from population centers to have access to town or city services. For example, one school we visited had to house and maintain a fire truck on campus because it is too far from the nearest city to use its fire department.

In addition, some schools must provide dormitory space for students and/or housing for faculty and staff because they are so distant from population centers. BIA officials told us that this isolation may also contribute to maintenance difficulties and costs when materials have to be shipped long distances and construction/repair staff have to be housed while on site.

AGE OF BIA SCHOOLS

Officials also told us that about 25 percent of BIA school buildings are at least 50 years old, and many of these buildings are on the National Historic Register. BIA officials told us that this listing often restricts the ability to make education-related renovations and improvements.

BIA TO UPDATE REPAIR INVENTORY

BIA reports that, as of October 1997, the cost of the total inventory of repairs needed for education facilities at all BIA schools is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

BIA's inventory of repairs needed-the facilities backlog-is an amalgam of information collected by architects, engineers, and BIA staff over the years. The inventory describes in detail individual work items required by national standards and codes such as the Uniform Building Code, National Fire Codes, and National Electrical Codes to repair the facilities. The facilities backlog contains the repair cost for deficiencies identified in a building or at a site.

The deficiencies may involve safety and health, access for persons with disabilities, or noncompliance with other building codes. BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The validation will include professional estimates of the cost of all backlog repair items and a determination of the relative economic values of repair versus replacement. The system development and validation projects are scheduled for completion in fiscal year 1999.

Our 1994 survey asked school officials to estimate the total cost of all repairs, renovations, and modernizations required to put their school buildings in good overall condition. The amounts reported by the 71 BIA schools responding to our survey were generally in agreement with BIA's estimates of the costs required to address the inventory of repairs needed at these schools.

S. RES. 100

Whereas there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives;

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources;

Whereas the Federal Government's commitment to Indian education has been recognized, reinforced, and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and Presidential executive orders;

Whereas this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members;

Whereas the 1990 census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average-31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children;

Whereas the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force;

Whereas excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies;

Whereas ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education;

Whereas there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87 percent of these children attend public schools located on or near reservations and in urban areas; another 10 percent attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools;

Whereas these schools have experienced an increase in student population of

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3-4 percent in the past 5 years, however, annual funding for the education of Indian children has not increased proportionately;

Whereas United States census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19;

Whereas the 1994 National Assessment of Education Progress (NAEP) showed over 50 percent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students;

Whereas American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population;

Whereas the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non- Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America;

Whereas tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past 2 years;

Whereas there is a major backlog of $680 million in funding need for facilities constructions, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations;

Whereas there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of American Indian and Alaska Native students has been reduced substantially in the past 3 years. The United States Congress in fiscal year 1996 eliminated discretionary education programs in the Office of Indian Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the fiscal year 1996 budget: Now, therefore, be it

Resolved, That it is the sense of the United States Senate-

(1) that the Senate recognizes and supports the Federal Government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive orders, court decisions and public laws which have been enacted by the House and Senate of the United States Government;

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska

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Native villages;

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the administration's proposal to reauthorize the Adult Education Act;***S2914**

(4) that the administration's bill for reauthorization of the Higher Education Act of 1965, Public Law 102-325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives;

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of tribal colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-Grant Status Act of 1994;

(6) that early childhood programs such as Head Start (Public Law 103-252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average; and

(7) that the Senate recognizes the need for development and implementation of a Government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI.

Mr. President, from what I understand, we have no objection on this side, and I understand there are no objections on the Democratic side. Therefore, I believe if we yield back our respective times, we can accept this amendment.

The PRESIDING OFFICER.

Is there objection?

Mr. JOHNSON.

I yield back my time.

Mr. DOMENICI.

If there was time in opposition-I don't know what it is-we yield it back.

The PRESIDING OFFICER.

Without objection, the Johnson amendment is agreed to.

The amendment (No. 2210), as modified, was agreed to.

Mr. DOMENICI.

Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI.

I suggest the absence of a quorum.

The PRESIDING OFFICER.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER.

Without objection, it is so ordered.

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Mr. LAUTENBERG.

Mr. President, I yield 10 minutes, or such time as may be needed, to the Senator from North Dakota. The time is to come off the resolution.

The PRESIDING OFFICER.

The Senator from North Dakota is recognized for such time as he may consume.

AMENDMENT NO. 2175

Mr. DORGAN.

Mr. President, I very much appreciate Senator LAUTENBERG yielding me the time. I am going to visit a bit some of the items that were just discussed about Indian schools and schools generally. I wanted to come and talk about the **Moseley-Braun** amendment.

We talk a lot about family values in this Chamber. It seems to me that every family that sits around in the evening and talks about their lives must certainly talk about the schools their kids are going to. We have 14 million students who attend schools in this country now, schools that are in need of extensive repair-extensive repair.

This afternoon, we sit in a nice Chamber. We have people here who enjoy their lives, and they are well dressed. We talk about education and theory in the abstract. In Cannonball, ND, today there is some little kid sitting in school, and I bet you that child is smelling sewer gas backed up from the pipes, because that is the way the school is down in Cannonball. That school is 70 years old. There are 150 kids attending that school with two bathrooms and

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1993 WL 1484 (F.R.)

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Education Facilities Construction Priority List as of FY 1993

Wednesday, January 6, 1993

*578 December 31, 1992.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing an Education Facilities Construction Policy List as of FY 1993. Publication of the Priority List in the Federal Register is required by statute. The Priority List includes those projects that were on the New School Construction Priority List for FY 1992 along with additions that have been made to the list. This Priority List is being published "as of FY 1993." Construction funding is not currently available for all of the Education Facilities Construction projects listed on the Priority List. As appropriations become available, Education Facilities Construction projects will be funded for construction in the order in which they are ranked.

FOR FURTHER INFORMATION CONTACT: W. "Buck" Martin, Director, Office of Construction Management, Department of the Interior, Mail Stop 2417 MIB, 1849 C Street, NW., Washington, DC 20240, telephone number (202) 208-3403.

SUPPLEMENTARY INFORMATION: The BIA is publishing the Priority List of Education Facilities Construction projects to satisfy 25 U.S.C. 2005(c) that provides: "At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities."

The current priority ranking process is in accordance with the "Construction of School Facilities for Indian Children; School Construction Applications and Procedures" that were published in the Federal Register on May 22, 1979, at 44 FR 29864. Amended criteria to be used in the priority ranking of new school construction projects were published in the Federal Register on April 14, 1988, at 53 FR 12470.

On October 19, 1990, at 55 FR 42497, a notice was published that contained the "New School Construction Priority *579 List for FY 1992." The notice established a deadline of December 15, 1990, for filing applications to be considered for the FY 1993 priority ranking list.

The Conference Report for the Fiscal Year 1992 Interior and Related Agencies Appropriation Act, House Report No. 256, 102d Cong., 1st Sess., p. 46 (1991) (Conference Report) froze the

"New School Construction Priority List for FY 1992." Under the current procedures, the priority list published each year has been a proposed list and subject to the availability of appropriated funds. Not all projects listed received construction funding. Those projects not funded had to file a new or updated application the next year to be considered for priority ranking. Applications were evaluated and a new list was prepared each year.

Congress provided funding for planning and design "for the top ten schools contained on the fiscal year (1992) priority list, to the extent that funds are available." Schools not funded for planning and design in FY 1992 would be funded for planning and design in FY 1993.

"(S)tarting at the top of the fiscal year 1992 list and including Pyramid Lake," construction funding was to be made available after completion of the necessary validations, planning and design. It was recognized by Congress that appropriations for FY 1992 were insufficient to provide construction funding for the ten schools listed on the New School construction Priority List of FY 1992 plus Pyramid Lake. The Conference Report stated that additional funds would be provided to complete these projects in FY 1993 and outyears.

The Conference Report further directed the Department "to review applications and prepare a new school construction priority list for fiscal year 1993, with these schools eligible for planning and design and construction funding, subject to budget constraints in fiscal year 1993 and beyond, in addition to any remaining fiscal year 1992 schools."

The Department published a notice in the Federal Register on December 6, 1991, at 56 FR 64185, that new applications and/or additional, supplemental materials in support of existing new school applications on file could be submitted for consideration for priority ranking in FY 1993. The notice established a deadline of January 31, 1992, for filing new or updated applications.

The applications submitted for inclusion on the FY 1993 list have been evaluated and priority ranked. Five (5) schools have been selected for inclusion on the new school priority list for FY 1993. Because Congress has created a continuous multi-year priority ranking list for new school construction, it is misleading to refer to the list as the priority list for FY 1993. Although some planning and design funding is available, construction funding has not been appropriated. Construction funding will not become available until funding has been provided for all the ten (10) schools on the New School Construction Priority List for FY 1992 plus the Congressional add- on, Pyramid Lake.

To prevent any confusion or misunderstanding, the Department is consolidating the FY 1992 and FY 1993 new school construction priority lists into one continuous multi-year list. For reference purposes, the list set out below is entitled: "Education Facilities Construction Priority List as of FY 1993." The list contains: The ten (10) new schools which were included on the "New School Construction Priority List for FY 1992," Nos. 1 through 10; plus Pyramid Lake, which was added by Congress, No. 11; and, the five (5) schools priority ranked for FY 1993, Nos. 12 through 16.

The priority ranking process under current procedures has been subject to criticism, primarily because of the uncertainty of the process, by Indian tribes and Indian organizations, as well as Congress. A decision had been made by the Department, prior to the FY 1992 Interior Appropriations Act, to promulgate regulations to govern the priority ranking process.

The Conference Report acknowledged the actions and directed the Department to continue efforts to revise the priority ranking process for new school construction. The Conference Report stated that emphasis should be given to tribal consultation and to improving the objectivity of the ranking process, to providing continuity to the priority ranking list and to providing procedures for handling emergency needs.

Tribal consultation meetings were held on a draft of a proposed rulemaking document in December 1991 and a proposed rule adding a new Part 294 Education Facilities Construction to title 25 of the Code of Federal Regulations should be published in the Federal Register in the near future.

Because of the current efforts to promulgate regulations and the action by Congress to create a continuous multi-year priority list, the Department does not intend to call for the filing of applications for new school construction under the current process, again. However, once the regulations are published as a final rule and are in effect, the Department will provide for the filing of applications.

As the regulations are currently drafted, not only will a notice be published in the Federal Register, but also mailed directly to all federally-recognized tribes and BIA-funded schools, whether BIA-operated, contract, or grant. The notice will advise individuals of the relevant procedures to be followed as well as the deadline for filing applications. Publication of a final rule is not anticipated until the end of 1993. Schools listed on the "Education Facilities Construction Priority List of FY 1993" will not have to reapply, but will be retained, in order, on the list. School construction projects priority ranked under the regulations will be added at the end of any schools remaining from the Education Facilities Construction Priority List as of FY 1993.

The "Education Facilities Construction Priority List as of FY 1993" is as follows:

Education Facilities Construction Priority List as of FY 1993

1. Pinon Community School Dorm
2. Eastern Cheyenne River Consolidated School
3. Rock Point Community School
4. Many Farms High School
5. Tucker Day School
6. Shoshone-Bannock/Fort Hall School
7. Standing Pine Day School
8. Chief Leschi School Complex
9. Seba Delkai Boarding School
10. Sac and Fox Settlement School
11. Pyramid Lake
12. Shiprock Alternative School
13. Tuba City Boarding School

14. Fond du Lac Ojibway School
15. Second Mesa Day School
16. Zia Day School

Eddie F. Brown,

Assistant Secretary--Indian Affairs.

(FR Doc. 93-192 Filed 1-5-93; 8:45 am)

BILLING CODE 4310-02-M

58 FR 578-03, 1993 WL 1484 (F.R.)
END OF DOCUMENT

D.A.C.T.S.

DAKOTA AREA CONSORTIUM OF TRIBAL SCHOOLS, INC.
Loneman School Corp.
P.O. Box 50
Oglala, S.D. 57764 • Phone 605-867-5633 • FAX 605-867-5109
Frank Rapp, Facilities Director

TO DACTS Members
FROM Frank D. Rapp, Facilities Director
RE Operations and Maintenance Funding
DATE April 2, 1998

Attached you will find the breakdown of the Operations and Maintenance funding for the Grant Schools in the Aberdeen Area. The information used for this report was provided by the Aberdeen Area Office. We validated as much as we could by reviewing copies of fund distribution documents, which reflected the same figures.

The percentage of the constrainment in the attached charts was rounded off to the nearest one hundredth of a percent. The amounts posted as the constraints are actual figures. The real constraint figures are as follows:

FY 98--33.7229%
FY 97--29.7675%
FY 96--33.1589%
FY 95--27.1875%
FY 94--22.8795%

This report only goes back to FY-94 because data was limited and incomplete for the previous years. During this past five years our schools have been underfunded by $13,939,168. in Operations and Maintenance of our schools. As we all know this has been devastating to the conditions of our schools and has placed our children in unsafe, unhealthly environments which are not conducive to learning.

Matters are getting worse. We have an accelerated deterioration rate because our buildings are overcrowded, many have outlived their useful life span, and some have been condemned. The trend reflects a rapid increase in the amount of the constrainments. As our schools become worse in conditions we receive less funds. The rising costs of the operations of these buildings takes a larger share of the funding leaving less for the maintenance and repairs.

Our School Boards have "granted" the facilities functions of their schools. They continue to be federal school buildings. It is a federal responsibility to properly care for these buildings. They have failed in that responsibility by providing insufficient funding. It is a federal liability sense they have ownership of the schools and once again failed in their responsibility The Federal government has a contractual obligation to our Tribes and their schools Education is a part of our Treaty

The Bureau is responsible for the mishandling of funds They could have utilized, at least in part, school operations funding to soften the constraints They could have notified their Line Officers and the Grant Schools of the right to use ISEP funds for the supplemental funding of facilities operations and maintenance They have been grossly negligent in not requesting sufficient funds for our schools They have endangered the safety and lives of our children The lack of funding is consistently causing health and safety violations at each of our schools

We have been fighting hard for the funding necessary for facility improvement, repairs, renovations, and replacement That progress is within a separate report We can not let the underfunding of the Operations and Maintenance be forgotten This consistent lack of funding is eating away at all our schools no matter how new or old

Our organization has previously submitted resolutions to the Bureau on our concerns of the O&M constraints We have adressed the issue at almost every "Consultation Hearing." Our discussion at the last DACTS meeting at Marty was to prepare this data and then to consider a lawsuit similar to the San Remos lawsuit on administrative costs grants We need to bill the Bureau for the funding they have constrained utilizing the "Prompt Payment Act." Each school was to contact their Tribe to determine if they would allow us to use their legal staff to challenge the constraints and begin our lawsuit

Grant officer request a mtg
& written decision - 30 days

HSPW Appeal decision

I.C.A.

DACTS Operations and Maintenance funding summary for FY94-FY98

	Schools	Pierre	ST Francis	Marty	EnemySwim	Tiospa Zina
FY98	Need	$742,041	$780,989	$1,013,038	$125,125	$431,236
33.72%	Constraint	$250,238	$263,372	$341,626	$42,196	$145,426
	Allocated	$491,803	$517,617	$671,412	$82,929	$285,810

	Schools	Pierre	ST Francis	Marty	EnemySwim	Tiospa Zina
FY97	Need	$721,341	$747,463	$944,470	$102,840	$363,940
29.77%	Constraint	$214,726	$222,501	$281,145	$30,613	$108,339
	Allocated	$506,615	$524,962	$663,325	$72,227	$255,610

	Schools	Pierre	ST Francis	Marty	EnemySwim	Tiospa Zina
FY96	Need	$677,994	$744,946	$967,362	$90,107	$305,119
33.16%	Constraint	$224,817	$247,017	$320,775	$29,879	$101,175
	Allocated	$453,177	$497,929	$646,607	$60,228	$203,944

	Schools	Pierre	ST Francis	Marty	EnemySwim	Tiospa Zina
FY95	Need	$640,550	$707,405	$930,790	$38,152	$284,521
27.19%	Constraint	$174,150	$192,327	$253,060	$10,373	$77,355
	Allocated	$466,400	$515,078	$677,730	$27,779	$207,166

	Schools	Pierre	ST Francis	Marty	EnemySwim	Tiospa Zina
FY94	Need	$617,334	$653,224	$878,500	$36,303	$311,598
22.88%	Constraint	$141,243	$149,455	$200,997	$8,306	$71,293
	Allocated	$476,091	$503,769	$677,503	$27,997	$240,305

	Schools	Crow Creek	Crow Crk HS	Tate Topa	Takini	Ojibwa
FY98	Need	$169,729	$689,512	$867,388	$454,330	$633,887
33.72%	Constraint	$57,238	$232,524	$292,509	$153,214	$213,765
	Allocated	$112,491	$456,988	$574,879	$301,116	$420,144

	Schools	Crow Creek	Crow Crk HS	Tate Topa	Takini	Ojibwa
FY97	Need	$137,153	$627,028	$827,523	$420,488	$642,172
29.77%	Constraint	$40,828	$186,651	$246,333	$125,169	$191,159
	Allocated	$96,325	$440,377	$581,190	$295,319	$451,013

	Schools	Crow Creek	Crow Crk HS	Tate Topa	Takini	Ojibwa
FY96	Need	$141,319	$567,212	$825,392	$404,640	$612,591
33.16%	Constraint	$46,860	$188,082	$273,692	$134,175	$203,130
	Allocated	$94,459	$379,130	$551,700	$270,465	$409,461

	Schools	Crow Creek	Crow Crk HS	Tate Topa	Takini	Ojibwa
FY95	Need	not	$584,606.00	$838,181	$369,592	$616,838
27.19%	Constraint	available	$158,941	$227,882	$100,484	$167,704
	Allocated		$425,665	$610,299	$269,108	$449,134

	Schools	Crow Creek	Crow Crk HS	Tate Topa	Takini	Ojibwa
FY94	Need	not	$553,625	$823,188	$428,310	$513,237
22.88%	Constraint	available	$126,667	$188,342	$97,996	$117,426
	Allocated		$426,958	$634,846	$330,314	$395,811

DACTS Operations and Maintenance funding summary for FY94-FY98

	Schools	American Horse	Little Wound	Wounded Knee	Loneman	Porcupine	Crazy Horse
FY98	Need	$286,348	$908,775	$322,179	$508,609	$363,214	$663,885
33.72%	Constraint	$96,565	$306,465	$108,648	$171,518	$122,487	$223,882
	Allocated	$189,783	$602,310	$213,531	$337,091	$240,727	$440,003

	Schools	American Horse	Little Wound	Wounded Knee	Loneman	Porcupine	Crazy Horse
FY97	Need	$251,422	$947,192	$309,048	$489,561	$388,141	$638,414
29.77%	Constraint	$74,843	$281,956	$91,996	$145,731	$115,540	$190,040
	Allocated	$176,579	$665,236	$217,052	$343,830	$272,601	$448,374

	Schools	American Horse	Little Wound	Wounded Knee	Loneman	Porcupine	Crazy Horse
FY96	Need	$264,632	$921,889	$335,721	$445,639	$357,984	$647,507
33.16%	Constraint	$87,750	$305,690	$111,322	$147,770	$118,704	$214,707
	Allocated	$176,882	$616,199	$224,399	$297,869	$239,280	$432,800

	Schools	American Horse	Little Wound	Wounded Knee	Loneman	Porcupine	Crazy Horse
FY95	Need	$296,281	$909,302	$359,590	$418,903	$328,379	$607,380
27.10%	Constraint	$80,552	$247,218	$97,764	$113,890	$89,279	$165,132
	Allocated	$215,729	$662,084	$261,826	$305,013	$239,100	$442,248

	Schools	American Horse	Little Wound	Wounded Knee	Loneman	Porcupine	Crazy Horse
FY94	Need	$247,555	$899,588	$308,121	$417,476	$289,791	$656,036
22.88%	Constraint	$56,640	$205,822	$70,497	$95,517	$66,303	$150,098
	Allocated	$190,915	$693,766	$237,624	$321,959	$223,488	$505,938

DACTS Operations and Maintenance funding summary for FY94-FY98

	Schools	Mandaree	White Shield	Twin Buttes
FY98	Need	$439,136	$467,498	$329,906
33.72%	Constraint	$148,090	$157,654	$111,255
	Allocated	$291,046	$309,844	$218,653

	Schools	Mandaree	White Shield	Twin Buttes
FY97	Need	$460,885	$447,469	$278,836
29.77%	Constraint	$137,194	$133,201	$83,003
	Allocated	$323,691	$314,268	$195,833

	Schools	Mandaree	White Shield	Twin Buttes
FY96	Need	$437,557	$455,932	$250,503
33.16%	Constraint	$145,090	$151,183	$83,065
	Allocated	$292,467	$304,749	$167,438

	Schools	Mandaree	White Shield	Twin Buttes
FY95	Need	$420,319	$442,300	$249,407
27.19%	Constraint	$114,275	$120,251	$67,808
	Allocated	$306,044	$322,049	$181,599

	Schools	Mandaree	White Shield	Twin Buttes
FY94	Need	$377,585	$370,034	$255,887
22.88%	Constraint	$86,390	$84,662	$58,546
	Allocated	$291,195	$285,372	$197,341

DAKOTA AREA CONSORTIUM OF TREATY SCHOOLS (DACTS)

TOTAL AMOUNT OF CONSTRAINED O&M FUNDING BY SCHOOL FY94-98

Pierre

FY94	$141,243
FY95	$174,150
FY96	$224,817
FY97	$214,726
FY98	$250,238
TOTAL	$1,005,174

Marty

FY94	$200,997
FY95	$253,060
FY96	$320,775
FY97	$281,145
FY98	$341,626
TOTAL	$1,397,603

Tiospa Zina

FY94	$71,293
FY95	$77,355
FY96	$101,175
FY97	$108,339
FY98	$145,426
TOTAL	$503,588

Crow Creek HS

FY94	$126,667
FY95	$158,941
FY96	$188,082
FY97	$186,651
FY98	$232,524
TOTAL	$892,865

Takini

FY94	$97,996
FY95	$100,484
FY96	$134,175
FY97	$125,169
FY98	$153,214
TOTAL	$611,038

St Francis

FY94	$149,455
FY95	$192,327
FY96	$247,017
FY97	$222,501
FY98	$263,372
TOTAL	$1,074,672

Enemy Swim

FY94	$8,306
FY95	$10,373
FY96	$29,879
FY97	$30,613
FY98	$42,196
TOTAL	$121,367

Crow Creek

FY94	NA
FY95	NA
FY96	$46,860
FY97	$40,828
FY98	$57,238
TOTAL	$144,926

Tate Topa

FY94	$188,342
FY95	$227,882
FY96	$273,692
FY97	$246,333
FY98	$292,509
TOTAL	$1,228,758

Ojibwa

FY94	$117,426
FY95	$167,704
FY96	$203,130
FY97	$191,159
FY98	$213,765
TOTAL	$893,184

DAKOTA AREA CONSORTIUM OF TREATY SCHOOLS (DACTS)

TOTAL AMOUNT OF CONSTRAINED O&M FUNDING BY SCHOOL FY94-98

American Horse		
	FY94	$56,640
	FY95	$80,552
	FY96	$87,750
	FY97	$74,843
	FY98	$96,565
	TOTAL	$396,350

Wounded Knee		
	FY94	$70,497
	FY95	$97,764
	FY96	$111,322
	FY97	$91,996
	FY98	$108,648
	TOTAL	$480,227

Porcupine		
	FY94	$66,303
	FY95	$89,279
	FY96	$118,704
	FY97	$115,540
	FY98	$122,487
	TOTAL	$512,313

Little Wound		
	FY94	$205,822
	FY95	$247,218
	FY96	$305,690
	FY97	$281,956
	FY98	$306,465
	TOTAL	$1,347,151

Loneman		
	FY94	$95,517
	FY95	$113,890
	FY96	$147,770
	FY97	$145,731
	FY98	$171,518
	TOTAL	$674,428

Crazy Horse		
	FY94	$150,098
	FY95	$165,132
	FY96	$214,707
	FY97	$190,040
	FY98	$223,882
	TOTAL	$943,859

DAKOTA AREA CONSORTIUM OF TREATY SCHOOLS (DACTS)

TOTAL AMOUNT OF CONSTRAINED O&M FUNDING BY SCHOOL FY94-98

Mandaree

FY94	$86,390
FY95	$144,275
FY96	$145,090
FY97	$137,194
FY98	$148,090
TOTAL	$661,039

White Shield

FY94	$84,662
FY95	$120,251
FY96	$151,183
FY97	$133,201
FY98	$157,654
TOTAL	$646,951

Twin Buttes

FY94	$58,546
FY95	$67,808
FY96	$83,065
FY97	$83,003
FY98	$111,255
TOTAL	$403,677

Loneman School Corporation
P.O. Box 50
Oglala, SD 57764
(605) 867-5633

May 18, 1998

Norma Tibbitts,
Pine Ridge Agency Superintendent for Education
Pine Ridge, SD 57770

The Loneman School Corporation is a grant school authorized by P.L. 100-297. Our grant status is a contractual arrangement between our School Board and the BIA. You have violated the terms of this contractual agreement. You have violated the terms of our Treaty. You have infringed upon the civil rights of our children.

The BIA, through existing regulations and laws, has determined our operations and maintenance needs. You have failed to provide the funding necessary to properly maintain our buildings. This has contributed to an unsafe facility which is not conducive to a proper educational setting for our children.

Consider this letter as our bill of collection for the operations and maintenance constraints from FY 1994 - 1998. The following chart reflects the amount of funds owed to our school.

Years	**Need**	**Allocation**	**Constrained Amount**	**Constrainment %**
FY 94	$ 417,476	$ 321,959	$ 95,517	22.88
FY 95	$ 418,903	$ 305,013	$ 113,890	27.19
FY 96	$ 445,639	$ 297,869	$ 147,770	33.16
FY 97	$ 489,561	$ 343,830	$ 145,731	29.77
FY 98	$ 508,609	$ 337,091	$ 171,518	33.72
Total Amount Constrained................................			**$ 674,428**	**..................Remit this amount.**

This does not reflect fiscal years prior to 1994, nor does it imply exclusion for those years for amounts due.

We expect immediate reimbursement under the prompt payment act provisions. We expect your response to this notice within 30 calendar days of receipt.

Sincerely,

Gerald A Ray
Gerald A. Ray, Superintendent, LSC

Connie Weasel Bear
Connie Weasel Bear, Chairman, LSCB

cc: OST President John Yellow Bird-Steele

Parkway Muni Resources
Municipal Bond Consultants

October 28, 1997

Ms. Stephanie Helfrich
Legislative Assistant to Senator Tim Johnson
502 Hart Senate Office Building
Washington, DC 20510

Dear Stephanie:

Just a quick demonstration of the power of inflation. The attached pages tell the story.

For this analysis, we have assumed that $20 million would be available for debt service on the bonding program OR the $20 million would be available for direct funding of projects under the old program. Under the bonding program, $20 million would service about $220 million in debt. But, as you will see, because we cannot spend the $220 million today, construction inflation will creep a little bit into our program. By the same token, $20 million in direct funding, for ten years ($200 million) will be greatly affected by construction inflation.

First, on inflation. Because of the increased costs of materials and labor, the cost of construction is estimated in the industry to increase by about 7.0% per year. So, if one spends $1.00 in 1997, and wishes to spend a "like" amount in 1998, one must come up with $1.07 to cover construction inflation.

So, under the bonding program, due to Public Law 101-301 and 100-297, the time of the design and engineering phase of a project is greatly reduced. As such, we estimate that we can spend about $50 million for four years. In the first year, that means $50 million. But in the second year, we need to spend about $53.5 million to have the same effect, and so on. After four years, it will take about $221 million to have a $200 million impact in today's dollars.

Under the direct approach ($20 million per year), the first year will have a $20 million effect, but due to construction inflation, it will take $21.4 million in the second year to have the same impact. By the tenth year, it will take $36,769,184 in future dollars to make the same impact. Because of construction inflation, the direct approach would require $276 million to have a $200 million impact in today's dollars

Now, let's compare the cost of borrowing. If the full faith and credit is given on the bonding initiative, the cost of borrowing will be about 0.25% more than it costs the Treasury to borrow money. I have indicated the debt service requirement for the bonding initiative and for the Treasury on the following pages. Under the bonding initiative, the annual cost for the $221 million is about $20 million per year. If we take the nominal rate of inflation of 3.0% and discount those payments, the total value of those payments, in today's dollars is $294 million.

Because the Treasury can borrow a little cheaper, there will be a favorable impact on the "cost" of financing the $276 million (the amount needed to have a $200 million impact). Again, adjusted for 3.0% inflation, the total value of those payments, in today's dollars is $325 million, over $30 million more.

Therefore, while the Treasury can borrow less expensively, the cost of delaying construction outweighs the borrowing rates. This is why it is so important to deal with the problem today, rather than waiting, or providing limited funds over time.

Two other points: 1) The break-even interest rate on the bonding initiative bonds, where construction inflation is overcome, is 7.75%, or 1.50% more than Treasuries. This is more than the spread between Treasuries and annual appropriation bonds, so the argument holds even without the full faith and credit of the government and 2) We have not even discussed the deterioration rate of the buildings. While it is difficult to estimate, there can be no argument that the rapid deterioration of some of these buildings adds to the construction inflation rate, by as much as 25% in some cases. This simply exacerbates the problem.

If you have further questions, please do not hesitate to call.

Again thanks for your help. It is greatly appreciated.

Sincerely,

Jeffrey Seidel
President

Present Values of Debt Service on Proposed Program - Taking Construction Inflation into Account

20 Years

Year	7.00%	Annual Expenditures	Amount Borrowed	Cumulative Borrowed	6.50% Combined Debt Service	Present Value at 3.00%
0	1.00000	$50,000,000	$50,000,000	$50,000,000	($4,537,820)	($4,537,820)
1	1.07000	$50,000,000	$53,500,000	$103,500,000	($9,393,287)	($9,119,696)
2	1.14490	$50,000,000	$57,245,000	$160,745,000	($14,588,637)	($13,751,189)
3	1.22504	$50,000,000	$61,252,150	$221,997,150	($20,147,661)	($18,437,964)
4	0.00000	$0	$0	$221,997,150	($20,147,661)	($17,900,936)
5	0.00000	$0	$0	$221,997,150	($20,147,661)	($17,379,549)
6	0.00000	$0	$0	$221,997,150	($20,147,661)	($16,873,349)
7	0.00000	$0	$0	$221,997,150	($20,147,661)	($16,381,892)
8	0.00000	$0	$0	$221,997,150	($20,147,661)	($15,904,750)
9	0.00000	$0	$0	$221,997,150	($20,147,661)	($15,441,505)
10	0.00000	$0	$0	$221,997,150	($20,147,661)	($14,991,752)
11	0.00000	$0	$0	$221,997,150	($20,147,661)	($14,555,099)
12	0.00000	$0	$0	$221,997,150	($20,147,661)	($14,131,164)
13	0.00000	$0	$0	$221,997,150	($20,147,661)	($13,719,577)
14	0.00000	$0	$0	$221,997,150	($20,147,661)	($13,319,978)
15	0.00000	$0	$0	$221,997,150	($20,147,661)	($12,932,017)
16	0.00000	$0	$0	$221,997,150	($20,147,661)	($12,555,356)
17	0.00000	$0	$0	$221,997,150	($20,147,661)	($12,189,666)
18	0.00000	$0	$0	$221,997,150	($20,147,661)	($11,834,627)
19	0.00000	$0	$0	$221,997,150	($20,147,661)	($11,489,930)
20	0.00000	$0	$0	$171,997,150	($15,609,841)	($8,642,791)
21	0.00000	$0	$0	$118,497,150	($10,754,374)	($5,781,006)
22	0.00000	$0	$0	$61,252,150	($5,559,024)	($2,901,213)
					($402,953,222)	($294,772,826)

Present Values of Debt Service on Current Program - Taking Construction Inflation into Account

Year	20 Years 7.00%	Annual Expenditures	Amount Borrowed	Cumulative Borrowed	6.25% Combined Debt Service	Present Value at 3.00%
0	1.00000	$20,000,000	$20,000,000	$20,000,000	($1,779,245)	($1,779,245)
1	1.07000	$20,000,000	$21,400,000	$41,400,000	($3,683,038)	($3,575,765)
2	1.14490	$20,000,000	$22,898,000	$64,298,000	($5,720,096)	($5,391,739)
3	1.22504	$20,000,000	$24,500,860	$88,798,860	($7,899,748)	($7,229,389)
4	1.31080	$20,000,000	$26,215,920	$115,014,780	($10,231,976)	($9,090,978)
5	1.40255	$20,000,000	$28,051,035	$143,065,815	($12,727,459)	($10,978,818)
6	1.50073	$20,000,000	$30,014,607	$173,080,422	($15,397,627)	($12,896,270)
7	1.60578	$20,000,000	$32,115,630	$205,196,051	($18,254,706)	($14,842,747)
8	1.71819	$20,000,000	$34,363,724	$239,559,775	($21,311,781)	($16,823,717)
9	1.83846	$20,000,000	$36,769,184	$276,328,959	($24,582,851)	($18,840,708)
10	0.00000	$0	$0	$276,328,959	($24,582,861)	($18,291,950)
11	0.00000	$0	$0	$276,328,959	($24,582,851)	($17,759,175)
12	0.00000	$0	$0	$276,328,959	($24,582,851)	($17,241,917)
13	0.00000	$0	$0	$276,328,959	($24,582,851)	($16,739,725)
14	0.00000	$0	$0	$276,328,959	($24,582,851)	($16,252,161)
15	0.00000	$0	$0	$276,328,959	($24,582,851)	($15,778,797)
16	0.00000	$0	$0	$276,328,959	($24,582,851)	($15,319,220)
17	0.00000	$0	$0	$276,328,959	($24,582,851)	($14,873,029)
18	0.00000	$0	$0	$276,328,959	($24,582,851)	($14,439,834)
19	0.00000	$0	$0	$276,328,959	($24,582,851)	($14,019,256)
20	0.00000	$0	$0	$256,328,959	($22,803,606)	($12,625,804)
21	0.00000	$0	$0	$234,928,959	($20,899,813)	($11,234,679)
22	0.00000	$0	$0	$212,030,959	($18,862,755)	($9,844,330)
23	0.00000	$0	$0	$187,530,099	($16,683,103)	($8,453,191)
24	0.00000	$0	$0	$161,314,179	($14,350,875)	($7,059,680)
25	0.00000	$0	$0	$133,263,144	($11,855,392)	($5,662,201)
26	0.00000	$0	$0	$103,248,537	($9,185,224)	($4,259,140)
27	0.00000	$0	$0	$71,132,908	($6,328,145)	($2,848,862)
28	0.00000	$0	$0	$36,769,184	($3,271,070)	($1,429,709)
					($491,657,023)	($325,581,036)

D.A.C.T.S.
DAKOTA AREA CONSORTIUM OF TRIBAL SCHOOLS, INC.
Loneman School Corp.
P.O. Box 50
Oglala, S.D. 57764 • Phone 605-867-5633 • FAX 605-867-5109
Jon Whirlwind Horse, President

Hau Kola,

First of all I would like to notify you of a recent name change, our name is now

Dakota Area Consortium of Treaty Schools, DACTS

Enclosed you will find the latest information on the DACTS sponsored Bonding Initiative

This initiative will benefit our students nationwide, isn't that why we are in the field of education

When you realize that this will work, please contact your United States Congressional delegates and urge them to support the passage of this initiative

Please study the enclosed information if you have any questions or wish additional information, do not hesitate to contact one of us

Pilamiya Pelo,

Jon Whirlwind Horse, President - DACTS

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Frank Rapp
Facilities Director

TO: Bob Shireman, Tanya Martin, and interested parties
FROM: Stephanie J. Helfrich, Office of Senator Tim Johnson
DATE: October 28, 1997
RE: Indian School Construction, Wednesday Meeting

This nation's tribal schools face some of the gravest school facilities problems and construction backlog in the nation. At a time when education is at the top of the agenda both at the White House and in Congress, Senator Johnson is committed to working with the Administration to fix the education infrastructure problems that are plaguing all of our schools, on and off reservations.

Senator Johnson feels strongly that the unemployment and poverty plaguing this nation's rural Indian reservations are a direct result of neglected academic potential. The Bureau of Indian Affairs' school system provides educational services that directly address the unique learning needs and styles of Indian students with sensitivity to Native cultures, ultimately promoting higher academic achievement. The federal government, because of its trust responsibility and agreed upon treaty obligations toward Indian people, is directly responsible for maintaining this system, and the inventory of federally owned school facilities. Unlike the President's extremely important "crumbling schools" initiative to address the construction need in America's public schools system, Senator Johnson is seeking support for fixing deteriorating federal property that is failing America's Indian children.

I. The Problem

Roughly 56% of the American Indian population in this country is age 24 or younger, (33% is age 15 or younger). There are 185 BIA elementary and secondary schools (103 grant or contract-- tribally operated-- and 82 BIA operated) serving Indian children on 65 reservations in 21 states in some of this country's most rural and economically depressed communities. Estimated enrollment in the 185 BIA-funded schools is roughly 52,000.

According to the Department of Interior:

- The current backlog in tribal school construction and repair is **$680 million** and growing, based on national standards for fire and safety.
- Of the 185 BIA schools, approximately 60 are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom.
- In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government.
- --63% of the Bureau of Indian Affairs (BIA) schools are over 30 years old
  --26% of the BIA schools are over 50 years old
  --3% of the BIA schools are over 100 years old
- Approximately 40% of all students in BIA schools are in "portable classrooms." Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years while schools await but never get new permanent buildings.
- Annual appropriations for BIA education facilities replacement and repair combined have averaged $20-$30 million annually, meeting only 3% of total need.
- Currently, one deteriorating BIA school is replaced each year, with estimates of completion of 9 schools in the next seven years, funds permitting.
- Because the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom.

As you know, Congress froze the new construction list in 1992 because of the poor performance of the Department of Interior's Office of Construction relative to Indian school construction. 66 schools applied for replacement in 1993. Spurred by continued disappointment in the performance of the Office of Construction at Interior, Senator Johnson introduced HR 4151, the National Indian Bonding Authority Pilot Project Act of 1996, at the end of the 104th Congress on behalf of the Dakota Area Consortium of Tribal Schools (DACTS). HR 4151 would have created an independent entity to leverage funds for Indian school construction in an effort to address the backlog, and would have removed school construction activities and responsibilities from Interior entirely. Since that time, construction activities at DoI have been under close scrutiny by Vice President Gore's National Performance Review Office. Senator Johnson has taken this reform effort into account, and has reworked the Indian School bonding initiative to rely on the existing construction process, with greater focus on the leveraging of funds for construction.

The negativity of Congress toward Interior's failure to prioritize Indian schools has come at the expense of quality education for some of this country's poorest kids with the fewest existing opportunities to better themselves. Senator Johnson wants to move beyond this and work with the Administration to redirect resources toward Indian education. Congress and the public are slowly recognizing the successes of the Tribal Colleges on reservations. Yet without renewed investment in primary and secondary education to prepare these children with the basic building blocks of learning before they reach college age, the potential embodied in the Tribal Colleges will not be reached. At the same time, the equally high priority of job creation in Indian Country will fail, no matter how innovative, if tomorrow's reservation workforce is denied equal education.

Senator Dorgan has requested a GAO study of BIA school facilities to confirm the BIA estimated backlog. As a member of the Indian Affairs Committee, Senator Dorgan has indicated his commitment to pushing for hearings and legislative action on the school backlog when the report is released. Attention will inevitably be called to this severe backlog. Senator Johnson wants to work with the Administration to be outfront with a realistic solution, and to take the lead on solving this crisis in education.

II. The Solution

At the request of the Dakota Area Consortium of Tribal Schools, Senator Johnson has investigated several options to address the severe Indian school facilities backlog. Leveraging school construction funds would result in more school construction in the short term, and consequently better education for the long term. Senator Johnson intends to introduce an initiative, the Indian School Bonding Program, which would authorize the Department of Interior to orchestrate and manage the issuance of Tribal Government Bonds, relying on the existing authority of tribes to issue bonds. Tribes, however, would not be bound to any debt service on the bonds. Instead, Congress would provide the necessary funds for debt service. To structure the program so that the Federal government remains responsible for payment of debt service, the Indian School Bonding Program would be established as a mandatory program. The Indian School Bonding initiative proposed by Senator Johnson (details attached) would satisfy a number of needs in Indian country, including:

- Provide a mechanism for leveraging funds for a greater number of school construction projects in the short term;
- Increase construction activity on reservation and provide many associated jobs;
- Provide access for tribes to the private bond market which they may not currently have the resources to access, which can help to build credibility for Tribes in the private market;
- Stimulate the private bond market;
- Provide for school bonding activity that is comparable to off-reservation communities yet limited by the lack of revenue stream;
- Provide Tribes protection from liability through bond certificate language.

Senator Johnson's initiative would locate the bonding program in the office of the Special Trustee at Interior primarily because there is support in Congress for expanding the financial services opportunities available to Tribes through this office (Senator Campbell's Indian Financial Services

BEST COPY AVAILABLE

Organization, for example). The justification for a federal-tribal partnership in this program is twofold, deriving from the fact that the Federal Government cannot issue "project specific" bonds while Tribes as Sovereign governments do have the authority to issue bonds, and from the importance of tribal involvement in the federal trust responsibility to tribes. Also, in lieu of leaving tribes to issue school construction bonds at their own discretion, this program would be open to "participating" tribes and coordinated by Interior to avoid competition between more financially savvy tribes and less economically sound tribes. Because the bulk of the BIA backlog is in facilities improvement and repair, the bonding program could be expanded to include improvement and repair projects, but Senator Johnson believes the program should begin with focus on new construction.

III. White House Role and Congressional Response

Senator Johnson believes that the Congress would support the Administration's efforts to make the federal investment in BIA schools go further. Making this program a reality will involve committing funds to a mandatory program. As a member of the Budget Committee, Senator Johnson is committed to finding an offset for this program himself, but he knows that success would be much more likely if the President prioritized this funding mechanism within his FY 1999 Budget request. Senator Johnson is aware that the different "Crumbling Schools" proposals each include a tribal set-aside, however the set-aside amount would not go far enough to address the need, and the fate of the public schools initiatives is not certain.

Senator Johnson believes the Administration would see more immediate bipartisan support for the Indian school-specific funding over the larger public school initiative because of the **Federal property, Federal liability**, and **Federal trust responsibility** issues. Senator Johnson will work to secure Budget Committee support for this budget priority. As you may know, Senator Domenici introduced the Indian Education Resolution of 1997 (S. Res. 100) earlier this Congress, which reiterates the pressing need for adequate education funding in Indian communities and specifies the needs in facilities repair and replacement. Also, the Indian Affairs Committee has indicated support for the leveraging-through-bonds concept because it is consistent with the direction Chairman Campbell wants to go with Indian programs (i.e. private sector involvement in stimulating reservation economies). There is bi-partisan support for constructive, not destructive (eliminate the BIA), approaches to improving the quality of life for reservation communities, beginning with the basics of education.

--What Senator Johnson is Asking The President To Do

-provide the equivalent of $200 million for Indian school construction
-support the leveraging concept
-or-
-provide Congress with alternative solution for short term goal of 15-20 schools to solve the education crisis in Indian education

--Review of Alternatives:

1) President and Congress provide $200 million for direct appropriation to build Indian schools. 15-20 schools are built in FY 1999. Cheapest Option. Most desireable Option.
2) President and Congress provide $200 million worth of construction through leveraging program, offset by bond issuance in first year, paid for incrementally throughout life of program. 15-20 schools are built in FY1999. Expense of debt service over time is alleviated slightly by factoring-in rising construction costs. More expensive than first Option. **Politically supportable.**
3) Status Quo-- one school at a time, thousands of Indian kids go without the quality education that students in the majority of this nation's public schools receive. Most expensive Option-- backlog escalates, federal property decays, students fail to meet full academic potential, cycle of poverty and dependence on federal programs in Indian communities continues.

Indian School Construction and the Indian School Bonding Program

Senator Tim Johnson
10-29-97

Senator Johnson intends to introduce an initiative, the Indian School Bonding Program, which would establish an office within the Department of Interior (an Office of Indian School Bonds) to orchestrate and manage the issuance of Tribal Government Bonds through a joint powers agreement between individual tribes and the Office, relying on the existing authority of tribes to issue bonds. Tribes, however, would not be bound to any debt service on the bonds. Instead, Congress would provide the necessary funds for debt service. The idea of issuing "Tribal Government" bonds through a joint agreement stems from the prohibition on issuing project-specific federal bonds. Also, coordination of issuance of Tribal government bonds would allow for "bundling" of bonds, creating a more attractive investment for the bond market, as opposed to each individual tribe issuing bonds of smaller increment. These bonds would be taxable. The revenue generated by the issuance of Tribal bonds, through the joint powers agreement, would be designated to those school construction projects prioritized through the existing BIA Facilities Management and Construction Center (FMCC) process, and would be limited to schools of the bond-issuing tribes.

To structure the program so that the Federal government remains responsible for payment of debt service, the Indian School Bonding Program would be established as a mandatory program. The federal government would provide the $200 million (or total obligation necessary to result in $200 million worth of school construction) to be obligated in the first year. That obligation would be paid for by the bond issue (offseting collection). The Federal Goverenment would then provide funds to service the debt (rough estimate of $20+ million per year, assuming a 10 year program). The Bonds would be backed by the full faith in credit of the U.S. Government.

LEGISLATION

Office of Indian School Bonding (OISB)

The OISB would be located within the Office of Trust Funds Management, Department of the Interior. OISB would consist of whatever minimal staff (1-3 people) necessary to carry out the purposes of the Indian School Bonding Program. For purposes of quality financial consulting in the execution of duties, the OISB could be staffed with employees of both the Department of the Interior and the Treasury Department, if necessary. Because similar state and local bond-issuing offices are usually funded through an annual fee charged to the borrower, the administrative costs to Interior could be built into the interest rate on the School bonds and be reimbursed through the bond trustee.

Program

In consultation with the BIA Facilities Management and Construction Center (FMCC) as to the prioritization of schools, the OISB would establish the cost of projects to be considered ("projects" would be defined as Indian schools to be constructed). Tribal schools, with the assistance of the OISB/BIA, would establish the design and cost for each project consistent with current law.

Bond Issuance

Once the OISB identifies those projects to be financed (in consultation with the BIA FMCC--these would already be designed and bid, I believe, according to existing BIA FMCC procedure), the amount necessary for the each project to be financed will be determined. A group of these projects ready to be financed will be "bundled" into one bond issuance, whereby each individual tribe (or tribal school corporation, if applicable) will resolve to issue the appropriate amount of bonds under the existing authority of tribes as sovereign governments. With the assistance of financial advisors, the OISB would determine the overall size of the "bundled" bond issues, taking into account construction costs and issuance costs, and the required debt service payments. The procedures/certificates involved in bond issuance will specify that individual tribes participating in a joint powers agreement with the OISB are removed from the repayment process, and that no collateral of the tribes is pledged (including the school, land, or any removal of sovereign immunity). The repayment source of these bonds will be identified as the Federal Government

The sum of the bundled bonds would be offered to the capital markets through a Bonding Underwriter (to be determined by the OISB through competitive bid process). The bundled tribal bonds would be rated using a nationally recognized rating agency. The total amounts to be financed will be limited to what sums Congress allocates in program dollars and reserve funds (see below--"Repayment of Bondholders"). The Bond Underwriter would deposit the proceeds with a Bond Trustee which would hold and invest the project funds until the local disbursement agent approves the distribution of payment to contractors (see below--"Role of Bond Trustee). The investment earnings on the unexpended bond proceeds would be used for the funding of projects.

The OISB would assist the Tribes in passing the required tribal resolutions authorizing participation in the necessary joint powers agreement, and in issuance of the bonds, utilizing standard documents provided by approved bond counsels. The OISB would also perform follow-up services to ensure that the money flowed to the respective projects.

Role of the Bond Trustee

1) Disbursement of Bond Proceeds for Construction Projects:
According to school facilities managers, the verification of completed work on a school construction site usually involves both an Independent Local Disbursing Agent (the LDA, which can be a financial fiduciary, such as the commercial banking division of a bank or a title company) and an Inspecting Architect. Actual construction inspection would need to be preformed by an inspecting architectural firm specializing in that type of work and independent of the project designer, working directly for the LDA.

As the project work is being completed, draw requests would be presented to the LDA for payment to the contractors. The independent LDA, in conjunction with an inspecting architect and the BIA Safety Officer, would inspect the project to assure the work has been completed. Once project completion is approved, the LDA would authorize the Bond Trustee to make payments to the service provider/contractor. This activity, as with the bulk of activity involved in the OISB, could be outlined/authorized through Department of Interior regulation.

2) Repayment of Bondholders:
Mandatory payment fir debt service would be made by available by Treasury to the Bond Trustee, which would retain accurate records of the holders of the bonds. When principal and/or interest is due on the bonds, the authorized funds would be distributed to bondholders of record on a timely basis by the Bond Trustee in the capacity of paying agent. Because the bond program is backed by the full faith in credit of the US, a reserve fund should not be necessary.

The Indian School Bonding Program

Proposed Structure

- --Department of the Interior
  - --Office of Trust Funds Management
    - --Special Trustee
      - --Office of Indian School Bonding (Joint Powers Program)
        - --Bonding Underwriter
        - --Bond trustee (Disbursing and Paying Agent)
          - --Local Disbursement Agent
            - --inspecting architect
        - --Rating Agency

- --Bureau of Indian Affairs
  - --Facilities Management and Construction Center (FMCC)
  - --BIA Safety Officer

THOMAS DASCHLE
SOUTH DAKOTA

[illegible]

AGRICULTURE

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[illegible]

United States Senate
WASHINGTON DC 20510-4103

September 23, 1997

Frank Rapp
Acting Executive Director
Loneman School Corp.
P.O. Box 50
Oglala, SD 57764

Dear Frank:

I am sorry I missed you during your recent visit to Washington. However, Joan Huffer of my staff has relayed to me the progress you are making in your efforts to find a workable way to help Indian schools improve their facilities. Clearly, you have demonstrated several reasons why improvement for Indian schools is needed, and I will continue doing what I can to help.

As you requested, I am enclosing a copy of S. 1160, the Educational Facilities Improvement Act, my most recent bill to help with the overall school construction problem we have in this country. As you will see, it includes a set-aside of $1.5 billion for Indian schools. I would like very much to make sure that whatever measure is enacted to address school construction nationwide be responsive to the needs of Indian schools, and the children they serve. For this reason, I have asked Joan to stay in touch with you as we work to get this job done.

As you know, enacting legislation can be a long and difficult process, but if we persevere, we can do some good things for the future of our children. Again, thank you for your hard work on this important matter.

With best wishes, I am

Sincerely,

Tom Daschle
United States Senate

TAD/jmh
Enclosure

TED STEVENS, ALASKA, CHAIRMAN

THAD COCHRAN, MISSISSIPPI
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON
MITCH McCONNELL, KENTUCKY
CONRAD BURNS, MONTANA
RICHARD C. SHELBY, ALABAMA
JUDD GREGG, NEW HAMPSHIRE
ROBERT F. BENNETT, UTAH
BEN NIGHTHORSE CAMPBELL, COLORADO
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BYRON DORGAN, NORTH DAKOTA
BARBARA BOXER, CALIFORNIA

STEVEN J. CORTESE, STAFF DIRECTOR
JAMES H. ENGLISH, MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

February 24, 1998

The Honorable Paul D. Wellstone
136 Hart Senate Office Building
Washington, D.C. 20510-2303

Dear Senator Wellstone

Chairman Stevens has forwarded to me, as Chairman of the Subcommittee on Interior and Related Agencies, your letter regarding the Government Accounting Office (GAO) report on the conditions of Bureau of Indian Affairs (BIA) schools. I appreciate and share your concerns about the current funding levels for BIA school construction and repairs.

The GAO has been invited to testify at the Interior Subcommittee's hearing on the President's Fiscal Year 1999 (FY99) BIA budget proposal. This hearing will provide a good forum for discussing this issue, and I welcome GAO's comments on the BIA school report at that time. The Senate Indian Affairs Committee has also scheduled three hearings on FY99 BIA funding. As a member of the Senate Indian Affairs Committee, along with a number of your letter's signatories, I am interested in hearing how BIA school construction and repair funding will enter into the discussion and testimony at these hearings.

Furthermore, as a firm supporter of education funding, I am open to suggestions as to how increased resources for Indian school construction and repairs can be found within the discretionary caps within which the Interior Subcommittee must maneuver. I am afraid it is highly unlikely the Interior Subcommittee will receive an increase in its budget allocation anytime in the near future. Any efforts to increase funding for BIA school construction and repairs will therefore likely require the reallocation of existing BIA funds. This is part of the reason why I continue to stress the importance of establishing a funding system that will ensure that scarce resources for Indian programs go to the neediest tribes. I encourage your involvement and participation in a discussion of this matter - your input would be invaluable.

I look forward to the opportunities the hearings will provide to discuss this important matter and to working with you over the next few months to find a way to achieve our commonly shared goal within the existing budgetary constraints.

Sincerely,

Slade Gorton

SLADE GORTON

ETE V. DOMENICI
NEW MEXICO

COMMITTEES:
BUDGET
APPROPRIATIONS
ENERGY AND NATURAL RESOURCES
INDIAN AFFAIRS
GOVERNMENTAL AFFAIRS

United States Senate
WASHINGTON, DC 20510-3101

December 4, 1997

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D. C. 20500

Dear Mr. President:

As you prepare your budget for fiscal year 1999, I am very interested in working with you to find a better way to finance Indian school construction and repairs. Under the current system, we are funding one new Indian school a year in a universe of dire need that has a known backlog of almost $700 million ($682 million). BIA projections are that nine schools could be funded in the next seven years, funds permitting. Sixty of the 185 BIA schools are in need of complete replacement or serious renovation. Funding one out of sixty needed schools each year will certainly serve to keep Indian school children at the bottom of our nation's educational achievements for several more decades. I believe this is too high a price to pay for our lack of innovation in meeting this federal obligation to Indian children.

While I am not recommending a specific avenue to accelerate funding this huge backlog of Indian school facility needs, I am most willing to work with you to find room in our federal budget for this national trust obligation. In general, I have not supported federal involvement in the construction or renovation of school facilities, which is essentially a state and local responsibility. These are federally owned schools, however, and the federal government is not only responsible for these BIA school facilities, it is also liable for accidents or injuries attributable to the poor condition of these schools. While the vast majority of Indian students attend public schools, the 10 percent or so of Indian students in federally operated BIA schools deserve better from the federal government as their "trustee."

It seems to me that together we can find a way to fund at least 5 or 10 schools each year for several years, thus recognizing both our trust responsibility to educate Indian children and meeting our legal obligations to do so in safe and sanitary conditions. Your personal attention to this critical Indian education issue could have lasting benefits to the Indian people of our nation.

Sincerely yours,

Pete V. Domenici
Pete V. Domenici
United States Senator

PVD:jwt
cc: Franklin Raines, OMB
Kevin Gover, BIA

PRINTED ON RECYCLED PAPER

United States Senate
WASHINGTON, DC 20510
January 30, 1998

Dear Colleague

We wanted to share with you a report recently prepared by the General Accounting Office (GAO) about the deplorable conditions of the Bureau of Indian Affairs (BIA) schools found throughout the nation.

As you'll see, the GAO found that Indian school facilities operated by the BIA are generally in poorer physical condition compared to other schools nationally, even inner-city schools. In fact, 62 percent of BIA schools have at least one building in need of extensive repair or replacement, compared to only 33 percent of all schools nationally and 38 percent of central-city schools.

To those of us who have visited BIA schools, the GAO's findings come as no surprise, but perhaps they should. The BIA operates one of only two federally run school systems (the other being the Department of Defense's). Clearly, then, there is a federal responsibility to ensure that the more than 50,000 students attending these schools have decent, safe schools.

Unfortunately, we are not meeting this responsibility. The GAO estimates that the cost of repairing the BIA's schools would be $754 million. Yet, in fiscal year 1998, the Congress provided only enough funding to meet less than 7 percent of these school restoration needs. Even in these times of fiscal constraint, we simply can and must do better.

We hope that you will work with us to increase federal resources for Indian school construction and repair by calling on the leaders of the Senate Committee on Appropriations to make this a top priority in FY1999.

Thanks for your attention to this request.

Sincerely,

Byron L. Dorgan
Byron L. Dorgan

Pete V. Domenici

Tim Johnson
Tim Johnson

Paul Wellstone
Paul Wellstone

Jeff Bingaman

Tom Daschle
Thomas A. Daschle

Kent Conrad
Kent Conrad

Patty Murray
Patty Murray

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GARY BOHNEE
MAJORITY STAFF DIRECTOR
PATRICIA M. ZELL
MINORITY STAFF DIRECTOR/CHIEF COUNSEL

United States Senate
COMMITTEE ON INDIAN AFFAIRS
WASHINGTON, DC 20510-6450

February 17, 1998

The Honorable Paul Wellstone
United States Senate
Washington, DC 20510

Dear Senator Wellstone:

I write in response to your January 30th letter requesting a joint Indian Affairs-Appropriations Committee hearing to discuss the GAO report on BIA school facilities and the need for additional funding. I do share your concerns regarding the need to address Indian education in general and school facilities construction funding in particular during this Session.

To this end, the Committee is pursuing several avenues. This Session we hope to address a number of Indian education initiatives and reauthorizations. My staff has been working with Chairman Jeffords' staff at the Labor Committee to discuss the possibility of a series of joint hearings on several Indian education issues. I have not yet discussed the possibility of a joint hearing with the Appropriations Committee, but I am considering a hearing of our own to specifically discuss Indian school facilities construction. Several measures we need to look at in this regard are: (1) reevaluation of the priority list system; (2) funding for tribal colleges facilities; and (3) innovative methods of financing Indian school facilities. This last issue is most difficult. While the Administration's proposal to provide funding for all school facilities on the priority list over the next few years will cure the short term needs of those schools on the list; their long term needs and the needs of the other 170 BIA schools will go unaddressed.

Thank you for you interest in this most important matter, and I look forward to working with you towards a solution to this and the many other obstacles that stand in the way of providing a quality education for Indian youth. If you have any questions on this issue, please contact my staff at the Committee on Indian Affairs at 224-2251.

Sincerely,

Ben Nighthorse Campbell
Chairman

HOBBS STRAUS DEAN & WALKER
Law Offices
1819 H Street, N.W., Washington, D.C. 20006
Tel. (202) 783-5100 Fax (202) 296-8834

May 22, 1998

General Memorandum 98-70

President Issues Executive Order Regarding Consultation and Cooperation with Tribal Governments

On May 14, President Clinton issued two Executive Orders on how federal government agencies should deal with non-federal governmental entities: Executive Order 13083--Federalism and Executive Order 13084--Consultation and Coordination with Indian Tribal Governments. These two Orders are intended to complement each other. A copy of each Order is attached, as published in the FEDERAL REGISTER on May 19 (63 Fed. Reg. 27651, 27655).

The Executive Order on Tribal Governments provides considerably more detailed directives to federal agencies than the Memorandum on Government-to-Government Relations with Native American Tribal Governments issued by President Clinton to the heads of executive departments on April 29, 1994. (59 Fed. Reg. 22951, codified at 25 U.S.C. § 450 note.) This Executive Order says that, whenever federal agencies formulate policies "significantly or uniquely affecting Indian tribal governments" they must be guided by respect for tribal self-government and sovereignty, tribal rights, and trust responsibilities. When federal agencies develop regulatory policies, they must provide for "meaningful and timely" consultation with tribal representatives. In developing regulations, federal agencies also must consider the compliance costs imposed on tribal governments.

The Tribal Governments Executive Order also directs federal agencies to give expeditious consideration to tribal requests for waivers of discretionary statutory and regulatory requirements, and encourages granting of such waivers when it is consistent with the objectives of the program. It encourages federal-tribal negotiated rulemaking and other forms of consensual rulemaking on issues relating to "tribal self-government, trust resources, or treaty and other rights." The Executive Order does not impose requirements on independent federal agencies, but does encourage them to comply with the substance of the Order.

The Executive Order on Federalism instructs federal agencies to be guided by principles of federalism when developing policies and regulatory programs that have implications for the division of responsibilities between the federal government and the states. This Executive Order sets out seven fundamental principles of federalism. The basic thrust is that federal agencies should not limit the policymaking discretion of state and local governments unless there is a basis in constitutional and statutory law. Federal agencies are directed to closely examine the constitutional and statutory authority supporting federal action that would impose limits on the states.

In addition to the principles of federalism, this Executive Order also sets out a number of criteria that may require federal action. Among the specific factors listed in subsection 3(d) as justifying federal action are these:

> "(8) When the matter relates to Federally owned or managed property or natural resources, trust obligations, or international obligations.
>
> "(9) When the matter to be regulated significantly or uniquely affects Indian tribal governments."

Thus, the rights and interests of tribal governments may be cited as reasons for federal agencies to impose limits on state and local government policymaking.

If you would like further information on these Executive Orders, please let us know.

# # #

Inquiries may be directed
to Karen Funk or Dean Suagee.

federal register

Tuesday
May 19, 1998

Part IV

The President

Executive Order 13083—Federalism

Executive Order 13084—Consultation and Coordination With Indian Tribal Governments

Federal Register
Vol. 63, No. 96
Tuesday, May 19, 1998

Presidential Documents

Title 3—

The President

Executive Order 13083 of May 14, 1998

Federalism

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guarantee the division of governmental responsibilities, embodied in the Constitution, between the Federal Government and the States that was intended by the Framers and application of those principles by the Executive departments and agencies in the formulation and implementation of policies, it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) "Policies that have federalism implications" refers to Federal regulations, proposed legislation, and other policy statements or actions that have substantial direct effects on the States or on the relationship, or the distribution of power and responsibilities, between the Federal Government and the States.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. *Fundamental Federalism Principles.* In formulating and implementing policies that have federalism implications, agencies shall be guided by the following fundamental federalism principles:

(a) The structure of government established by the Constitution is premised upon a system of checks and balances.

(b) The Constitution created a Federal Government of supreme, but limited, powers. The sovereign powers not granted to the Federal Government are reserved to the people or to the States, unless prohibited to the States by the Constitution.

(c) Federalism reflects the principle that dividing power between the Federal Government and the States serves to protect individual liberty. Preserving State authority provides an essential balance to the power of the Federal Government, while preserving the supremacy of Federal law provides an essential balance to the power of the States.

(d) The people of the States are at liberty, subject only to the limitations in the Constitution itself or in Federal law, to define the moral, political, and legal character of their lives.

(e) Our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. States and local governments are often uniquely situated to discern the sentiments of the people and to govern accordingly.

(f) Effective public policy is often achieved when there is competition among the several States in the fashioning of different approaches to public policy issues. The search for enlightened public policy is often furthered when individual States and local governments are free to experiment with a variety of approaches to public issues. Uniform, national approaches to public policy problems can inhibit the creation of effective solutions to those problems.

(g) Policies of the Federal Government should recognize the responsibility of—and should encourage opportunities for—States, local governments, private associations, neighborhoods, families, and individuals to achieve personal, social, environmental, and economic objectives through cooperative effort.

Sec. 3. *Federalism Policymaking Criteria.* In addition to adhering to the fundamental federalism principles set forth in section 2 of this order, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There should be strict adherence to constitutional principles. Agencies should closely examine the constitutional and statutory authority supporting any Federal action that would limit the policymaking discretion of States and local governments, and should carefully assess the necessity for such action.

(b) Agencies may limit the policymaking discretion of States and local governments only after determining that there is constitutional and legal authority for the action.

(c) With respect to Federal statutes and regulations administered by States and local governments, the Federal Government should grant States and local governments the maximum administrative discretion possible. Any Federal oversight of such State and local administration should not unnecessarily intrude on State and local discretion.

(d) It is important to recognize the distinction between matters of national or multi-state scope (which may justify Federal action) and matters that are merely common to the States (which may not justify Federal action because individual States, acting individually or together, may effectively deal with them). Matters of national or multi-state scope that justify Federal action may arise in a variety of circumstances, including:

(1) When the matter to be addressed by Federal action occurs interstate as opposed to being contained within one State's boundaries.

(2) When the source of the matter to be addressed occurs in a State different from the State (or States) where a significant amount of the harm occurs.

(3) When there is a need for uniform national standards.

(4) When decentralization increases the costs of government thus imposing additional burdens on the taxpayer.

(5) When States have not adequately protected individual rights and liberties.

(6) When States would be reluctant to impose necessary regulations because of fears that regulated business activity will relocate to other States.

(7) When placing regulatory authority at the State or local level would undermine regulatory goals because high costs or demands for specialized expertise will effectively place the regulatory matter beyond the resources of State authorities.

(8) When the matter relates to Federally owned or managed property or natural resources, trust obligations, or international obligations.

(9) When the matter to be regulated significantly or uniquely affects Indian tribal governments.

Sec. 4. *Consultation.* (a) Each agency shall have an effective process to permit elected officials and other representatives of State and local governments to provide meaningful and timely input in the development of regulatory policies that have federalism implications.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that has federalism implications, and that imposes substantial direct compliance costs on States or local governments, unless:

(1) funds necessary to pay the direct costs incurred by the State or local government in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected States and local governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by States or local governments.

Sec. 5. *Increasing Flexibility for State and Local Waivers.* (a) Agencies shall review the processes under which States and local governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State or local government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State or local level in cases in which the proposed waiver is consistent with applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 6. *Independent Agencies.* Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. *General Provisions.* (a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), and OMB Circular A-19.

(c) Executive Order 12612 of October 26, 1987, and Executive Order 12875 of October 26, 1993, are revoked.

(d) The consultation and waiver provisions in sections 4 and 5 of this order shall complement the Executive order entitled, "Consultation and Coordination with Indian Tribal Governments," being issued on this day.

(e) This order shall be effective 90 days after the date of this order.

William J Clinton

THE WHITE HOUSE,
May 14, 1998.

[FR Doc. 98–13552
Filed 5–19–98; 11:24 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13084 of May 14, 1998

Consultation and Coordination With Indian Tribal Governments

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. In treaties, our Nation has guaranteed the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities; to reduce the imposition of unfunded mandates upon Indian tribal governments; and to streamline the application process for and increase the availability of waivers to Indian tribal governments; it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 2. *Policymaking Criteria.* In formulating policies significantly or uniquely affecting Indian tribal governments, agencies shall be guided, to the extent permitted by law, by principles of respect for Indian tribal self-government and sovereignty, for tribal treaty and other rights, and for responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

Sec. 3. *Consultation.* (a) Each agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that significantly or uniquely affects the communities of the Indian tribal governments, and that imposes substantial direct compliance costs on such communities, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) in a separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected Indian tribal governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by such Indian tribal governments.

Sec. 4. *Increasing Flexibility for Indian Tribal Waivers.* (a) Agencies shall review the processes under which Indian tribal governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. The agency shall provide the applicant with timely written notice of the decision and, if the application for a waiver is not granted, the reasons for such denial.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 5. *Cooperation in developing regulations.* On issues relating to tribal self-government, trust resources, or treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. *Independent agencies.* Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. *General provisions.* (a) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

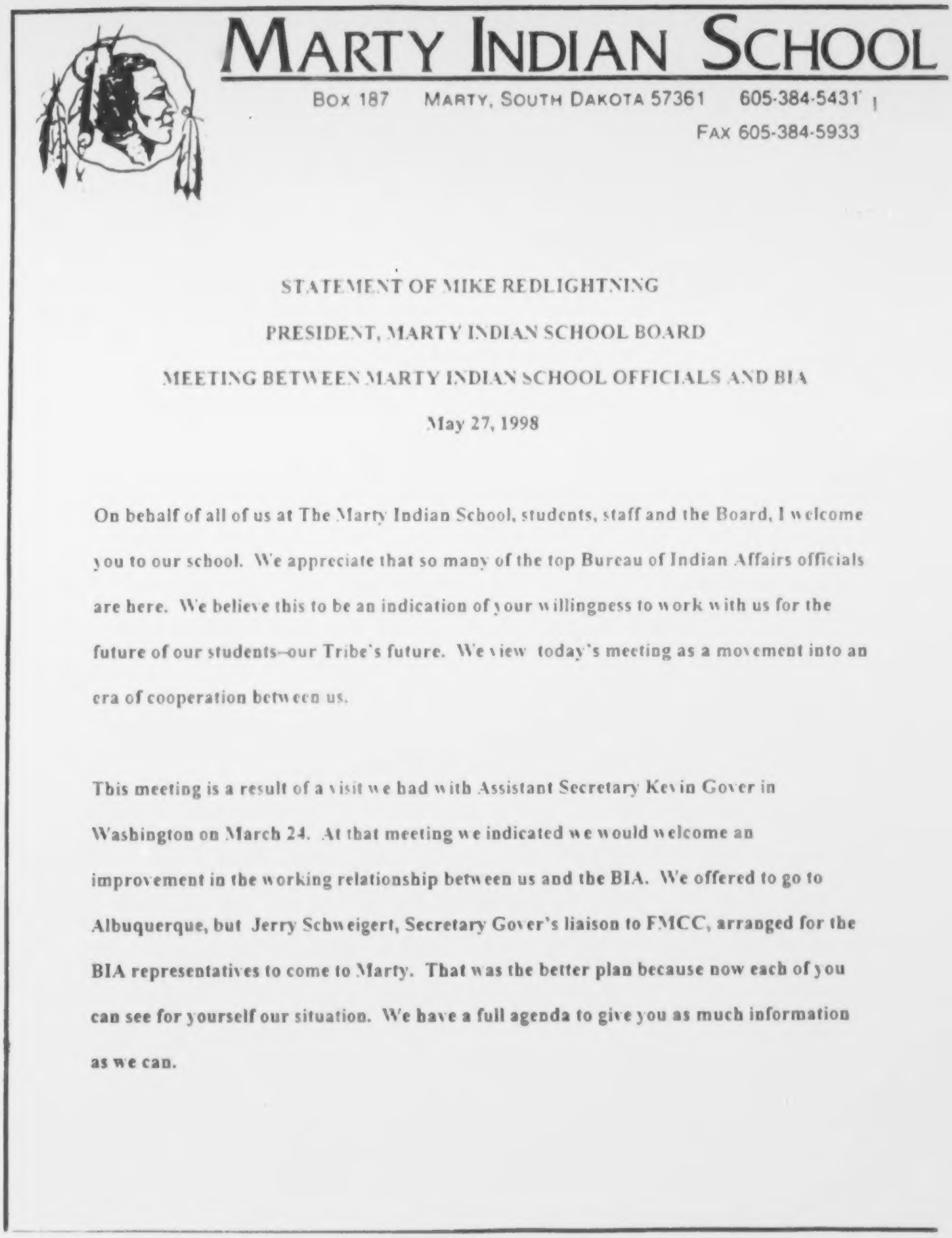
(c) This order shall complement the consultation and waiver provisions in sections 4 and 5 of the Executive order, entitled "Federalism," being issued on this day.

(d) This order shall be effective 90 days after the date of this order.

William J. Clinton

THE WHITE HOUSE,
May 14, 1998.

[FR Doc. 98-13553
Filed 5-18-98; 11:24 am]
Billing code 3195-01-P



MARTY INDIAN SCHOOL
BOX 187 MARTY, SOUTH DAKOTA 57361 605-384-5431
FAX 605-384-5933

STATEMENT OF MIKE REDLIGHTNING

PRESIDENT, MARTY INDIAN SCHOOL BOARD

MEETING BETWEEN MARTY INDIAN SCHOOL OFFICIALS AND BIA

May 27, 1998

On behalf of all of us at The Marty Indian School, students, staff and the Board, I welcome you to our school. We appreciate that so many of the top Bureau of Indian Affairs officials are here. We believe this to be an indication of your willingness to work with us for the future of our students--our Tribe's future. We view today's meeting as a movement into an era of cooperation between us.

This meeting is a result of a visit we had with Assistant Secretary Kevin Gover in Washington on March 24. At that meeting we indicated we would welcome an improvement in the working relationship between us and the BIA. We offered to go to Albuquerque, but Jerry Schweigert, Secretary Gover's liaison to FMCC, arranged for the BIA representatives to come to Marty. That was the better plan because now each of you can see for yourself our situation. We have a full agenda to give you as much information as we can.

Marty's quest for a new school has gone on for many years. We have been frustrated often. We did get funds for the high school facility which today you will visit, but that is only half of our school. Our elementary students and teachers will have to wait.

Our Congressional Delegation is supportive of more appropriations for school construction, and they are imploring the Appropriations Committees to provide this desperately needed money. The more money Congress provides, the sooner our new school will become a reality. We have staff representatives of the South Dakota Congressional Delegation with us today, and we thank them for being here.

At our meeting with Secretary Gover, we learned that new criteria is being developed for the ranking of schools for new school construction. We were told we would be kept advised of the development of the new criteria, which was to start in April and be completed within a few months. We look forward to an update of this project. We are convinced that, given all that has happened to Marty recently, on top of existing problems, Marty should be very high on any new list that is developed. We are now using worn out 70 year old buildings which are virtually astride a toxic waste dump. We deserve a new school. We have waited all too long.

We were not put on the existing priority list , and we firmly believe we should have been included. At the time the list was compiled, we were seeking renovation funds. We missed out on applying for THAT list, but that is past history. WE DO NOT WANT THAT TO HAPPEN TO US THIS TIME. That is why we intend to follow closely the development of the formula for obtaining our just position on the new list.

Today you will see firsthand two sets of problems. First you will be shown problems in our school that have existed for years, and these problems are what generated the extensive legislative history in the 1998 appropriations legislation. Bad stairways, leaking and rusting pipes, asbestos, broken windows, deteriorating outside walls, crumbling ceilings, lead based paint, and other threats to the health and safety of our children.

You will also see the problems that created the environmental crisis that hit us early this year. For years we have expressed concern to the Bureau about our leaking fuel tanks and pollution from the number 5 fuel oil we were using for so long to save precious funds. Now we have a crisis which, hopefully, has not damaged the health of our children-- YET. We will hear a report on the testing of these children for lead contamination later today. It is a pity we were in a situation that required this testing in the first place. It is unfortunate that it took an environmental crisis to highlight our problems. We have been lucky indeed if no children have been harmed so far. We cannot continue to rely on luck. Our children are exposed daily to flaking lead paint on the walls of our ancient facility. We are heading for a disaster unless action is taken quickly.

Today we want to begin an era of cooperation and abandon the past confrontation that has plagued us for years. Today we will ask for your technical assistance on the temporary modular structure issue; on further developing the plans for the elementary facility; and on other issues such as our shortfall of O&M funds. Today I hope we can develop a means of

receiving this technical aid.

We sincerely hope that this meeting will lead to other meetings to address these issues. We want to hear your suggestions. We want this to be a team effort. At our meeting with Assistant Secretary Gover, we became convinced that he wanted us to work together. Nevertheless on a recent conference call involving BIA, EPA and Marty, an employee of the BIA, who apparently felt the Marty participants had left the call, was heard by two members of our group to say some alarming things. They immediately reported to me and the others on the School Board that this BIA employee told some of his colleagues that he wanted the group to "strategize" before today's meeting because he did not want to see Marty get a new elementary facility.

I think Mr. Gover would be upset had he heard this. It is totally adverse to the tone of our meeting with him. It surely upset me and my colleagues on the Board, as well as members of the Tribal Council. We hope that any such remarks will be disavowed by you today. We must not take a step backward.

Our children are our future. They must come first. To properly serve them and provided for them a good education in safe surroundings, we, all of us at this meeting, must look forward. We must shut forever the skeleton closets of the past.

We welcome you and your delegation, Mr. Schweigert, and we are eager to hear any remarks you want to make at this time.

News From U.S. Senator *North Dakota*

Byron L. Dorgan

U.S. Senate • 713 Hart Building • Washington D.C. 20510
E-mail: senator@dorgan.senate.gov • Internet Web page: www.senate.gov/~dorgan

DORGAN SAYS GAO REPORT ON INDIAN SCHOOLS REVEALS DISMAL CONDITIONS; CALLS FOR BIA AND CONGRESS TO ACT

FOR IMMEDIATE RELEASE
DATE: Tuesday, January 19, 1998

(WASHINGTON, D.C.) --- U.S. Senator Byron Dorgan (D-ND), at a press conference today in Bismarck, released a new General Accounting Office (GAO) report revealing what he called "alarming evidence of a sad state of disrepair" of Bureau of Indian Affairs (BIA) schools.

Dorgan, who was accompanied by Kevin Gover, Assistant Secretary for Indian Affairs said, "For those of us who have visited BIA schools and have been pushing for years for funding to help meet their desperate repair and construction needs, the GAO findings come as no surprise." Dorgan added, "The simple fact is, children cannot learn when their schools are unfit, unsafe and literally crumbling around them. It's time for this country to meet its responsibility to ensure these students have adequate, safe schools."

In summary, the GAO found that BIA schools are generally in poorer physical condition compared to other schools nationally, even inner-city schools. For instance:

- **62% of BIA schools have at least one building in need of extensive repair or replacement, compared to 33% of all schools** nationally and 38% of inner-city schools.

- 79% of BIA schools have at least one inadequate building feature (i.e. faulty roofs, plumbing or heating, ventilation or air conditioning), compared with 57% of all schools nationally and 66% of inner-city schools.
- 94% of BIA schools have at least one unsatisfactory environmental condition (i.e. outdated heating systems, poor acoustics for noise control, poor ventilation) compared to 50% of all schools nationally and 65% of inner-city schools.

In North Dakota alone, where the BIA operates 12 schools with 4,200 students, the stark conditions outlined in the GAO's report are very much a reality --especially on the Turtle Mountain Indian Reservation, which was visited by GAO investigators conducting this report.

The original school structure of the Turtle Mountain's Ojibwa Indian School was condemned in 1994, forcing students to relocate to temporary portable classroom units. A 1995 BIA health and safety inspection of the Ojibwa School found 156 violations, including numerous fire hazards, broken windows, leaking roofs, deteriorated stairs and exposed wires hanging in the classrooms. Despite this deplorable condition, the Ojibwa School is not even on the BIA's education construction priority list because of the tremendous backlog.

Dorgan concluded, "It is a national shame that the Indian children in this country are going to school in buildings where their lives and their ability to learn are at risk. It is my hope that the GAO report will shine some light on the dismal conditions in these schools and that both the BIA and Congress will make Indian school construction funding a high priority in the next fiscal year."

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GAO

United States
General Accounting Office
Washington, D.C. 20548

Health, Education, and
Human Services Division

B-278570

December 31, 1997

The Honorable Byron L. Dorgan
United States Senate

Dear Senator Dorgan:

In 1995, we reported on the condition of the nation's school buildings, but we did not separately describe the state of schools funded by the Bureau of Indian Affairs (BIA).[1] On the basis of schools' responses to our 1994 nationally representative survey regarding the condition of school facilities, we estimated that the nation's schools needed about $112 billion[2] to repair or upgrade facilities to good overall condition.[3] Responses to our survey indicated that about 33 percent of America's schools reported needing extensive repair or replacement of one or more buildings; almost 60 percent reported problems with at least one major building feature, such as plumbing; and about 50 percent reported unsatisfactory environmental conditions. Furthermore, many reported lacking critical physical capabilities to meet the functional requirements of education reform and key technology elements to support computers and communications technology.

BIA has invested millions of dollars in schools to create an environment where Native American children can be educated and prepared for the future. Like other schools in the nation, the BIA schools require maintenance and capital investment and must be designed and equipped to meet the needs of today's students and tomorrow's workers. For these reasons, you asked for information on the physical condition of BIA schools similar to that presented in our earlier reports on the physical condition of the nation's schools. In response to your request and subsequent discussions with your office, this report presents information on (1) the amount of funding that BIA reports is needed to repair educational facilities, (2) the condition of BIA school buildings and building features, (3) the adequacy of school environmental conditions, and (4) the extent to which schools are physically capable of meeting the functional requirements of education reform and computer and communications technology.

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[1] For more detailed discussion of the condition of the nation's school buildings, including building features and environmental conditions, and their ability to meet the functional requirements of education reform and support technology, see School Facilities: Condition of America's Schools (GAO/HEHS-95-61, Feb. 1, 1995) and School Facilities: America's Schools Not Designed or Equipped for 21st Century (GAO/HEHS-95-95, Apr. 4, 1995), respectively.

[2] Sampling error is plus or minus 6.61 percent.

[3] "Good" condition means that only routine maintenance or minor repair is required. "Overall" condition includes both physical condition and the ability of the schools to meet the functional requirements of educational programs.

To answer these questions, we obtained information from BIA about the cost of repairing all BIA schools. We also analyzed the responses of BIA schools to our 1994 School Facilities Survey and compared responding BIA schools with other groups of schools in the nation. In addition, we visited three BIA schools that had responded to our survey, and seven additional BIA schools. During our visits, we observed schools; interviewed school and tribal officials; and examined relevant documents related to facilities. (See app. I for a more detailed discussion of our methodology.)

As was the case with the data reported in our previous reports, all data are self-reported, and we did not independently verify their accuracy.

Results in Brief

BIA reports that the cost of the total inventory of repairs[4] needed for BIA education facilities is $754 million. This includes the cost of repairs to all school buildings,[5] including dormitories for students and employee housing. Data from our 1994 National School Facilities Survey show that, compared with other schools nationally, responding BIA schools (1) are generally in poorer physical condition, (2) have more unsatisfactory environmental factors, (3) more often lack key facilities requirements for education reform, and (4) are less able to support computer and communications technology.

Background

While most Native American children attend regular public schools, about 10 percent attend BIA schools, which are funded by BIA and operated either by BIA or by various tribes through grants or contracts from BIA. BIA schools are found in 23 states but are highly concentrated in 5—North Dakota, South Dakota, Arizona, New Mexico, and Washington—as figure 1 shows. (See app. II for information on individual BIA schools by state.)

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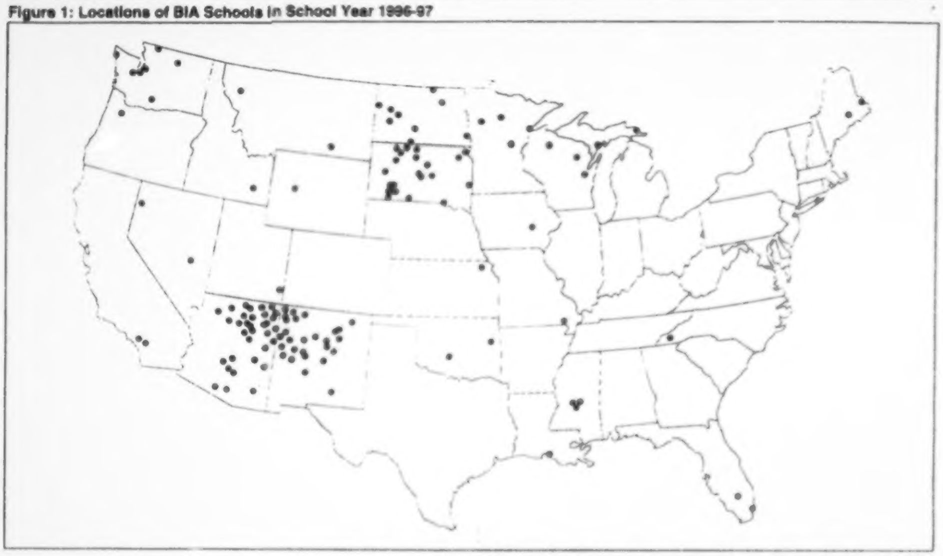
[4] This does not include the costs of replacing school buildings. BIA's priority list for constructing education facilities includes eight unfunded school replacement projects with a total estimated cost of $112 million.

[5] Any one school may have more than one building.

Figure 1: Locations of BIA Schools in School Year 1996-97



Source: Data are from BIA, Office of Indian Education Programs

BIA funded 173 schools[6] (including boarding schools) in school year 1996-97, with a total enrollment of 47,214. The schools ranged in size from 15 to 1,144 students, with about one-half enrolling fewer than 200 pupils. Enrollment in BIA schools is growing and overall has increased 25 percent since 1987. Most of this growth has occurred in the last 5 years. Growth in BIA's day schools,[7] which do not provide student housing, has increased more rapidly—47 percent since 1987, 24 percent since 1992.

BIA officials told us that BIA schools are often located in isolated areas and have to provide and maintain extensive campus infrastructures because they are too far from population centers to have access to town or city services. For example, one school we visited had to house and maintain a fire truck on campus because it is too far from the nearest city to use its fire department. In addition, some schools must provide dormitory space for students and/or housing for faculty and staff because they are so distant from population centers. BIA officials told us that this isolation may also contribute to maintenance difficulties and costs when materials have to be shipped long distances and construction/repair staff have to be housed while on site.

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[6] BIA also funded 14 peripheral dormitories.

[7] In school year 1996-97, BIA's day schools enrolled 26,752 students.

Officials also told us that about 25 percent of BIA school buildings are at least 50 years old,[8] and many of these buildings are on the National Historic Register. BIA officials told us that this listing often restricts the ability to make education-related renovations and improvements.

BIA Reports Needing Millions to Improve Educational Facilities

BIA reports that, as of October 1997, the cost of the total inventory of repairs needed for education facilities at all BIA schools is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

BIA's inventory of repairs needed—the facilities backlog—is an amalgam of information collected by architects, engineers, and BIA staff over the years. The inventory describes in detail individual work items required by national standards and codes such as the Uniform Building Code, National Fire Codes, and National Electrical Codes to repair the facilities. The facilities backlog contains the repair cost for deficiencies identified in a building or at a site. The deficiencies may involve safety and health, access for persons with disabilities, or noncompliance with other building codes. BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The validation will include professional estimates of the cost of all backlog repair items and a determination of the relative economic values of repair versus replacement. The system development and validation projects are scheduled for completion in fiscal year 1999.

Our 1994 survey asked school officials to estimate the total cost of all repairs, renovations, and modernizations required to put their school buildings in good overall condition.[9] The amounts reported by the 71 BIA schools responding to our survey were generally in agreement with BIA's estimates of the costs required to address the inventory of repairs needed at these schools.

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[8] In our previous work on school facilities, we found that building age alone is not significant; rather building condition depends on how buildings are maintained. See GAO/HEHS-95-61, Feb. 1, 1995.

Most BIA Schools Responding to Our Survey Reported Less Than Adequate Conditions

Sixty-two percent of the BIA schools responding to our survey reported having at least one building in need of extensive repair or replacement. As shown in table 1, a greater number of the responding BIA schools reported having buildings in less than adequate condition than did rural/small town schools, central city schools, or all schools nationally.

Table 1: Percentage of Schools With Buildings in Less Than Adequate Condition

		National estimates for		
Type of building	**Responding BIA schools**	**Rural/small town schools[a]**	**Central city schools[b]**	**All schools**
Original buildings	46	24	31	26
Attached and/or detached permanent additions to original buildings	41	16	22	18
Temporary buildings	51	31	29	28
At least one building in less than adequate condition	62	30	38	33

[a] Rural/small town is defined as either a rural area (a place with a population of less than 2,500 and defined as rural by the Bureau of the Census) or a small town (a place not within a standard metropolitan statistical area (SMSA) with a population of less than 25,000 but greater than or equal to 2,500 and defined as urban by the Bureau of the Census).

[b] Central city is defined as a large central city (a central city of a SMSA with population greater than or equal to 400,000 or a population density greater than or equal to 6,000 per square mile) or a mid-size central city (a central city of an SMSA but not designated a large central city).

Officials at the three responding schools that we visited told us that although some repairs and improvements had been made, overall conditions had not changed materially since our 1994 survey. For example, one school was completing a new permanent addition that will provide classrooms for kindergarten, first, and second grades, but most of its students will remain in temporary buildings, that is, portable classrooms

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[9] We asked respondents to rate the overall condition of their school buildings on a six-point scale: excellent, good, adequate, fair, poor, or replace. See GAO/HEHS-95-61, Feb. 1, 1995.

In addition, our survey data generally showed that the responding BIA schools reported more inadequate building features and environmental conditions than did schools nationally. These data also showed that the responding BIA schools more often reported that they met the requirements and needs for educational reform "not well at all."[10] However, with regard to technology elements, the responding BIA schools were generally more comparable to schools nationally, particularly central city schools.

Building Features

As shown in table 2, relatively more responding BIA schools reported building features such as roofs; plumbing; and heating, ventilation, and air-conditioning systems to be inadequate than did other schools. Almost four-fifths of the responding BIA schools reported having at least one inadequate building feature. In comparison, about one-half to two-thirds of the other groups of schools reported at least one inadequate building feature.

Table 2: Percentage of Schools With Inadequate Building Features

Building feature	Responding BIA schools	National estimates for Rural/small town schools	Central city schools	All schools
Roofs	49	24	33	27
Framing, floors, and foundations	46	17	22	15
Exterior walls, finishes, windows, and doors	56	22	34	27
Interior finishes and trims	42	21	30	24
Plumbing	53	29	34	30
Heating, ventilation, and air-conditioning	66	33	42	36
Electrical power	36	23	32	26
Electrical lighting	46	22	29	25
Life safety codes	59	16	22	19
At least one inadequate building feature	79	52	66	57

During our visits to three responding schools, school officials told us that some repairs had been made, but conditions had not changed substantially. These repairs were often referred to as "Band-Aids" that kept the school operating but did not permanently correct the deficiency. Officials from the responding schools as well as the other BIA schools we visited complained that the operations and maintenance funds budgeted for their school were insufficient to properly maintain their facilities. For example, several schools were using outdated, difficult to maintain heating systems, but funds were not budgeted for boiler replacements.

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[10] Survey respondents rated the ability of their school facilities to meet the financial requirements of key education reform activities on the following scale: very well, moderately well, somewhat well, and not well at all.

Environmental Factors

Generally, the responding BIA schools also reported more unsatisfactory environmental conditions than did schools nationwide. As table 3 shows, on almost every environmental factor, about twice as many responding BIA schools as all schools nationally reported having unsatisfactory environmental conditions. Almost all of the BIA schools reported having at least one unsatisfactory environmental condition, exceeding even the problems reported by central city schools. For example, several of the schools that we visited reported outdated or inadequate heating systems. These systems are difficult and costly to repair and are not energy efficient, officials told us.

Table 3: Percentage of Schools With Unsatisfactory Environmental Conditions

		National estimates for		
Environmental factor	Responding BIA schools	Rural/small town schools	Central city schools	All schools
Lighting	30	11	20	16
Heating	44	17	23	19
Ventilation	52	24	32	27
Indoor air quality	38	17	22	19
Acoustics for noise control	49	27	32	29
Flexibility of instructional space	67	52	60	54
Energy efficiency	61	39	46	41
Physical security of buildings	57	24	26	24
At least one unsatisfactory environmental condition	94	54	65	50

Educational Reform Requirements

Responding BIA schools also more often reported that their facilities met the requirements and needs for educational reform "not well at all." As table 4 shows, for many important educational reform activities—such as large-group instruction, laboratory science, and library/media center—substantially more of the responding BIA schools than other groups of schools reported that their facilities met the needs for educational reform "not well at all." For example, one school we visited was originally designed for 250 students but now has 354. A school official told us that in order to accommodate the increased enrollment, the school has had to convert storage space to other uses.

Table 4: Percentage of Schools Reporting They Meet the Functional Requirements of Some Key Educational Reform Activities "Not Well at All"

		National estimates for		
Activity	**Responding BIA schools**	**Rural/small town schools**	**Central city schools**	**All schools**
Instructional activities				
Laboratory science	63	37	48	42
Large-group instruction	72	40	39	38
Storage of student assessment materials	59	31	30	31
Display student assessment materials	51	28	27	28
Library/media center	25	13	14	13
Small-group instruction	12	8	12	10
Support activities				
Day care	80	82	76	78
Before-/after-school care	67	66	54	59
Social and health care services	52	28	27	27
Parent support activities	43	23	24	24
Private areas for counseling and testing	42	23	30	26
Teacher planning	28	12	15	13

Technology Elements

Finally, as table 5 shows, many of the responding BIA schools reported having insufficient capability in each of several communications technology elements needed to meet the functional requirements of modern educational technology. However, in this particular regard, these BIA schools were more comparable with other schools in the nation. For example, a little more than one-half of both the BIA schools and other schools reported insufficiency of telephone lines for modems, and more than 80 percent of all groups of schools reported insufficiency of fiber optic cable.

Table 5: Percentage of Schools Reporting Insufficient Technology Elements

Technology element	Responding BIA schools	National estimates for Rural/small town schools	National estimates for Central city schools	National estimates for All schools
Computers for instructional use	31	21	32	25
Computer printers for instructional use	37	25	38	29
Computer networks for instructional use	62	46	61	52
Modems	70	54	65	58
Telephone lines for modems	59	52	61	56
Telephones in instructional areas	75	58	67	61
Television sets	26	13	19	16
VCR/laser disk players	34	31	39	34
Cable television	68	30	33	32
Conduits/raceways for computer/computer network cables	74	56	67	61
Fiber optic cable	88	84	90	87
Electrical wiring for computers/ communications technology	60	40	55	46
Electrical power for computers/ communications technology	41	28	43	35

During our visits to BIA schools and interviews with BIA officials, we were told that BIA schools had been acquiring additional computers for the past several years and, in many instances, had installed networks. Officials told us that many of the schools either have Internet access or expect to be connected in the near future. On the basis of these reports, it appears that our 1994 survey data on computers and communications technology may be somewhat outdated.

Agency Comments

In commenting on our draft report, the Department of the Interior generally agreed with our findings. Interior suggested several corrections in the numbers of schools and enrollment counts, which we incorporated in the report. Interior also emphasized the unique situation faced by BIA schools. It pointed out that, because of their locations, many BIA schools require extensive infrastructure, such as sewer lines and sewer lagoons, waterlines and elevated water storage tanks, fuel storage tanks, and electrical back-up generators. BIA funds the operation and maintenance of this infrastructure. Interior's comments appear in appendix III.

As agreed with your office, unless you release its contents earlier, we will make no further distribution of this report until 30 days after the date of this letter. At that time, we will send copies to the Secretary of the Interior and other interested parties.

The major contributors to this report were D. Catherine Baltzell, Assistant Director, and Wayne M. Dow, Evaluator-in-Charge. Please call me at (202) 512-7014 if you or your staff have any questions about this report.

Sincerely yours,

Carlotta Joyner

Carlotta C. Joyner
Director, Education and
Employment Issues

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Abbreviations

BIA	Bureau of Indian Affairs
SMSA	standard metropolitan statistical area

Appendix I

Methodology

In the spring of 1994, we undertook a survey to determine the physical condition of America's 80,000 schools. All Bureau of Indian Affairs (BIA) schools were included in our survey sample. We surveyed a nationally representative sample of about 10,000 public schools in over 5,000 school districts. We asked about (1) the physical condition of buildings and major building features, such as roofs, framing, floors, and foundations; (2) the status of environmental conditions, such as lighting, heating, and ventilation; (3) the ability of schools to meet selected functional requirements of education reform, such as having space for small- and large-group instruction; and (4) the sufficiency of data, voice, and video technologies and the infrastructure to support these technologies.[11]

Findings from the 1994 survey have been statistically adjusted (weighted) to produce estimates that are representative nationally, as appropriate. (The sampling errors for the national estimates contained in this report do not exceed plus or minus 5 percentage points unless otherwise stated.) However, although all BIA-funded schools were included in our sample, only 41 percent, or 71, responded to the survey. This response rate is too low to permit us to make estimates for all BIA schools. Therefore, we have not weighted the BIA data, but rather have reported only on the responding BIA schools.

We augmented the 1994 survey with more recent visits to selected school districts and schools. In September 1997, we visited three BIA schools that had responded to our survey, and seven additional BIA schools. During our visits, we observed schools; interviewed school and tribal officials; and examined relevant documents related to facilities. We also interviewed BIA officials, and examined data from BIA's Facilities Management System.

All data are self-reported, and we did not independently verify their accuracy. We conducted our study of BIA schools between August 1997 and December 1997 in accordance with generally accepted government auditing standards.

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[11] See School Facilities: America's Schools Report Differing Conditions (GAO/HEHS-96-103, June 14 1996) for a copy of the survey and discussion of the sampling strategy.

BIA Schools for School Year 1996-97, by State

Name	City	Grades	Enrollment, FY 1997	Percentage change		Number of portable classrooms
				Since FY 1987	Since FY 1992	
Arizona						
Casa Blanc Day School	Bapchule	K-4	332	148	36	6
Wide Ruins Boarding School	Chambers	K-6	242	69	30	3
Black Mesa Community School	Chinle	K-8	93	79	16	2
Cottonwood Day School	Chinle	K-8	250	-7	30	0
Low Mountain Boarding School	Chinle	K-5	245	83	28	2
Rough Rock Community School	Chinle	K-12	349	-9	-25	
Cibecue Community School	Cibecue	K-12	468	138	75	13
Blackwater Community School	Coolidge	K-2	63	19	0	1
Dennehotso Boarding School	Dennehotso	K-8	342	36	13	1
Theodore Roosevelt School	Fort Apache	6-8	110	31	41	0
Greasewood Springs Community School	Ganado	K-8	384	-13	10	0
Kinlichee Boarding School	Ganado	K-6	139	15	-1	1
Nazlini Boarding School	Ganado	K-6	131	-9	-1	0
Hotevilla Bacavi Community School	Hotevilla	K-7	132	33	15	3
Pine Springs Boarding School	Houck	K-4	89	89	33	0
Kaibeto Boarding School	Kaibeto	K-8	455	8	35	0
Chilchinbeto Day School	Kayenta	K-8	126	-5	-7	0
Kayenta Boarding School	Kayenta	K-8	444	-3	19	3
Hopi High School	Keams Canyon	7-12	476	-15	-9	1
Keams Canyon Boarding School	Keams Canyon	K-6	115	-21	95	0
Hopi Day School	Kykotsmovi	K-6	86	-16	41	0
Rocky Ridge Boarding School	Kykotsmovi	K-8	206	-2	-15	1
Gila Crossing Day School	Laveen	K-6	111	-24	12	3
Lukachukai Boarding School	Lukachukai	K-8	421	1	7	0
Chinle Boarding School	Many Farms	K-8	513	-12	-7	0
Many Farms High School	Many Farms	9-12	351	-25	-2	23
Polacca Day School	Polacca	K-6	177	3	38	7
Cove Day School	Red Valley	K-6	74	14	19	0
Red Rock Day School	Red Valley	K-8	238	-7	6	

(continued)

Name	City	Grades	Enrollment, FY 1997	Percentage change		Number of portable classrooms
				Since FY 1987	Since FY 1992	
Rock Point Community School	Rock Point	K-12	547	25	16	0
Salt River Day School	Scottsdale	K-6	228	24	51	2
Second Mesa Day School	Second Mesa	K-6	241	1	10	8
San Simon School	Sells	K-8	286	-11	-10	0
Santa Rosa Boarding School	Sells	K-8	331	-27	-7	2
Tohono O'Odham High School	Sells	9-12	166	[b]	-17	0
Shonto Preparatory School	Shonto	K-8	656	-13	5	0
Hunters Point Boarding School	St Michaels	K-5	124	-2	8	0
Havasupai School	Supai	K-8	95	25	8	2
T'iis Nazbas Community School	Teecnospos	K-8	357	-18	-13	0
Tonalea (Red Lake) Day School	Tonalea	K-8	310	-9	7	3
Greyhills High School	Tuba City	9-12	434	-4	-3	0
Moencopi Day School	Tuba City	K-6	179	281	52	4
Tuba City Boarding School	Tuba City	K-8	1,110	23	28	1
Santa Rosa Ranch School	Tucson	K-8	127	28	3	2
John F. Kennedy Day School	White River	K-8	185	23	6	3
Dilcon Boarding School	Winslow	K-8	417	-28	-6	0
Leupp Boarding School	Winslow	K-12	421	13	7	0
Little Singer Community School	Winslow	K-6	99	102	29	0
Seba Dalkai Boarding School	Winslow	K-6	165	-22	-5	0
California						
Sherman Indian High School	Riverside	9-12	518	-2	36	0
Noli School	Santa Jacinto	6-12	47	[b]	[b]	0
Florida						
Ahfachkee Day School	Clewiston	K-12	80	67	33	0
Miccosukee Indian School	Miami	K-12	82	58	5	[a]
Iowa						
Sac & Fox Settlement School	Tama	K-8	80	8	27	3
Idaho						
Coeur D'Alene Tribal School	De Smet	K-8	80	45	82	[a]
Shoshone-Bannock School	Fort Hall	7-12	186	389	88	[a]
Kansas						
Kickapoo Nation School	Powhattan	K-12	100	25	35	[a]

(continued)

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Name	City	Grades	Enrollment, FY 1997	Percentage change		Number of portable classrooms
				Since FY 1987	Since FY 1992	
Louisiana						
Chitimacha Day School	Jeanerette	K-8	53	51	13	1
Maine						
Indian Island School	Old Town	K-8	89	3	-12	1
Beatrice Rafferty School	Perry	K-8	109	-19	-17	[a]
Indian Township School	Princeton	K-8	134	41	-6	2
Michigan						
Bahweting Anishinabe	Sault Sainte Marie	K-8	175	[b]	[b]	1
Hannahville Indian School	Wilson	K-12	157	85	112	0
Minnesota						
Bug-O-Nay-Ge Shig School	Cass Lake	K-12	430	40	-16	0
Fond Du Lac Ojibway School	Cloquet	K-12	141	62	-15	5
Nay Ah Shing School	Onamina	K-12	323	773	546	0
Circle of Life Survival School	White Earth	K-12	168	102	24	2
Mississippi						
Red Water Elementary School	Carthage	K-8	109	22	31	2
Conehatta Elementary School	Conehatta	K-8	199	30	39	0
Boque Chitto Elementary School	Philadelphia	K-8	126	8	-5	1
Choctaw Central High School	Philadelphia	9-12	402	[b]	59	0
Choctaw Central Middle School	Philadelphia	7-8	142	[b]	11	1
Pearl River Elementary School	Philadelphia	K-6	464	[b]	40	3
Tucker Elementary School	Philadelphia	K-8	89	-7	-19	0
Standing Pine Elementary School	Walnut Grove	K-6	80	60	23	0
Montana						
Busby School	Busby	K-12	190	-7	27	0
Two Eagle River School	Pablo	7-12	138	151	55	0
Nevada						
Duckwater Shoshone Elementary	Duckwater	K-8	15	0	-25	0
Pyramid Lake High School	Nixon	9-12	48	-4	41	2
New Mexico						
Sky City Community School[c]	Acoma	K-8	312	5	30	1
Dzilth-Na-O-Dith-Hle Community School	Bloomfield	K-8	344	4	4	4

(continued)

Name	City	Grades	Enrollment, FY 1997	Percentage change		Number of portable classrooms
				Since FY 1987	Since FY 1992	
Dibe Yazhi Habitiin Olta Inc.	Crownpoint	K-8	244	18	32	0
Lake Valley Navajo School	Crownpoint	K-8	119	1	-2	0
Mariano Lake Community School	Crownpoint	K-6	261	101	39	3
T' iists' oozi' Bi' O' lta	Crownpoint	K-8	573	28	34	0
Tse' ii' ahi' Community School	Crownpoint	K-4	168	167	47	3
Na' Neelzhiin Ji' Olta (Torreon)	Cuba	K-8	393	16	7	0
Ojo Encino Day School	Cuba	K-8	240	20	17	0
Pueblo Pintado Community School	Cuba	K-8	345	70	33	3
Santa Clara Day School	Espanola	K-6	129	13	-4	2
Navajo Preparatory School	Farmington	9-12	174	-21	10	0
Wingate Elementary School	Fort Wingate	K-8	670	28	36	6
Wingate High School	Fort Wingate	9-12	634	-14	4	1
Nenahnezad Community School	Fruitland	K-7	392	-12	-6	2
Bread Springs Day School	Gallup	K-3	159	66	28	3
Isleta Elementary School[c]	Isleta	K-6	210	-23	-5	10
Jemez Day School	Jemez Pueblo	K-6	181	-1	-8	1
Laguna Elementary School[c]	Laguna	K-5	370	[b]	3	7
Laguna Middle School[c]	Laguna	6-8	191	[b]	198	0
To' hajiilee-he (Canoncito)[c]	Canoncito	K-12	376	22	12	2
Alamo Navajo School	Magdalena	K-12	371	2	5	0
Mescalero Apache School	Mescalero	K-12	439	[b]	121	4
Crystal Boarding School	Navajo	K-6	168	24	-2	0
Tohaali Community School	Newcomb	K-8	263	-37	-5	0
Pine Hill Schools	Pine Hill	K-12	501	37	34	3
Baca Community School	Prewitt	K-4	166	54	14	2
San Felipe Pueblo Elementary School[c]	San Felipe Pueblo	K-6	349	15	10	4
Ohkay Owingeh Community	San Juan Pueblos	K-6	59	-16	37	[illegible]
Sanostee Day School	Sanostee	K-3	110	31	38	4
San Ildefonso Day School	Santa Fe	K-6	24	-29	-23	2
Santa Fe Indian School[c]	Santa Fe	7-12	545	13	-4	0
TeTsu Geh Oweenge Day School[c]	Sante Fe	K-6	56	24	12	3
Atsa' Biya' a' zh Community	Shiprock	K-6	181	202	97	2

(continued)

Name	City	Grades	Enrollment, FY 1997	Percentage change		Number of portable classrooms
				Since FY 1987	Since FY 1992	
Beclabito Day School	Beclabito	K-4	99	-6	-12	4
Shiprock Northwest High School	Shiprock	9-12	159	49	2	2
Taos Day School	Taos	K-7	164	82	40	2
Dlo' Ay Azhi Community School	Thoreau	K-6	151	34	30	1
Chuska/Tohatchi Consolidated School	Tohatchi	K-8	635	13	15	[illegible]
Chi Ch'il-tah/Jones Ranch	Vanderwagon	K-8	261	61	17	5
Zia Day School	Zia Pueblo	K-6	84	6	6	1
North Carolina						
Cherokee Central School	Cherokee	K-12	1,128	19	15	1
North Dakota						
Ojibwa Indian School[c]	Belcourt	K-8	340	-3	-1	2
Turtle Mountain Elementary and Middle School	Belcourt	K-8	1,144	28	16	[illegible]
Turtle Mountain High School	Belcourt	9-12	572	57	25	2
Theodore Jamerson Elementary	Bismarck	K-8	108	35	14	[illegible]
Dunseith Day School[c]	Dunseith	K-8	237	45	44	0
Tate Topa Tribal School	Fort Totten	K-8	464	21	13	4
Standing Rock Community School	Fort Yates	K-12	597	32	7	2
Twin Buttes Day School	Haliday	K-8	35	-24	6	6
Mandaree Day School	Mandaree	K-12	250	37	20	1
White Shield School	Roseglen	K-12	179	35	13	1
Trenton,School	Trenton	K-12	77	[a]	[a]	0
Circle of Nations School	Wahpeton	4-8	198	-33	-18	1
Oklahoma						
Riverside Indian School	Anadarko	4-12	255	14	11	3
Sequoyah High School	Tahlequah	9-12	297	49	41	0
Oregon						
Chemawa Indian School	Salem	9-12	341	-5	1	[illegible]
South Dakota						
Tiospa Zina Tribal School	Agency Village	K-12	432	118	79	[illegible]
American Horse School	Allen	K-8	187	43	8	0
Rock Creek Day School	Bullhead	K-8	84	-6	1	2
Cheyenne Eagle Butte School	Eagle Butte	K-12	1,009	12	17	3

(continued)

BEST COPY AVAILABLE

Name	City	Grades	Enrollment, FY 1997	Percentage change Since FY 1987	Percentage change Since FY 1992	Number of portable classrooms
Flandreau Indian School	Flandreau	9-12	500	-14	-17	4
Crow Creek Sioux Tribal Elem	Fort Thompson	K-5	198	32	6	4
Swift Bird Day School	Gettysburg	K-8	54	32	16	[a]
Takini School	Howes	K-12	309	[b]	20	5
Little Wound Day School	Kyle	K-12	818	60	20	4
Little Eagle Day School	Little Eagle	K-8	100	-3	20	1
Lower Brule Day School	Lower Brule	K-12	350	28	6	2
Wounded Knee School District	Manderson	K-8	203	12	-10	0
Marty Indian School	Marty	K-12	301	9	10	0
Promise Day School	Mobridge	K-8	19	-32	73	[a]
Loneman Day School	Oglala	K-8	397	111	58	2
Pierre Indian Learning Center	Pierre	1-8	253	35	54	3
Pine Ridge School	Pine Ridge	K-12	863	51	16	0
Porcupine Day School	Porcupine	K-8	152	103	79	0
St. Francis Indian School	St. Francis	K-12	583	33	22	0
Crow Creek Reservation High	Stephan	6-12	352	133	56	6
Crazy Horse School	Wanblee	K-12	358	21	12	0
Enemy Swim Day School	Waubay	K-8	81	224	153	3
White Horse Day School	White Horse	K-8	37	23	-3	[a]
Utah						
Aneth Community School	Montezuma Creek	K-6	278	24	28	0
Navajo Mountain Boarding School	Tonalea	K-8	131	-10	7	0
Washington						
Muckleshoot Tribal School	Auburn	K-8	102	437	138	2
Lummi High School	Bellingham	9-12	84	[b]	[b]	6
Lummi Tribal School System	Bellingham	K-8	225	196	33	[illegible]
Quileute Tribal School	La Push	K-12	79	52	98	3
Wah-He-Lute Indian School	Olympia	K-9	51	82	9	[a]
Paschal Sherman Indian School	Omak	K-8	166	78	20	3
Chief Leschi School System	Puyallup	K-12	759	420	93	0
Yakima Tribal School	Toppenish	7-12	89	78	98	1
Wisconsin						
Lac Courte Oreilles Ojibway School	Hayward	K-12	300	91	56	0

(continued)

Name	City	Grades	Enrollment, FY 1997	Percentage change Since FY 1987	 Since FY 1992	Number of portable classrooms
Menominee Tribal School	Neopit	K-8	251	[illegible]	27	
Oneida Tribal School	Oneida	K-12	587	299	12[illegible]	
Wyoming						
St. Stephens Indian School	St. Stephens	K-12	286	11	16	[illegible]
Total			**47,214**	**25**	**18**	**302**

Note: Schools listed in this table exclude peripheral dormitories.

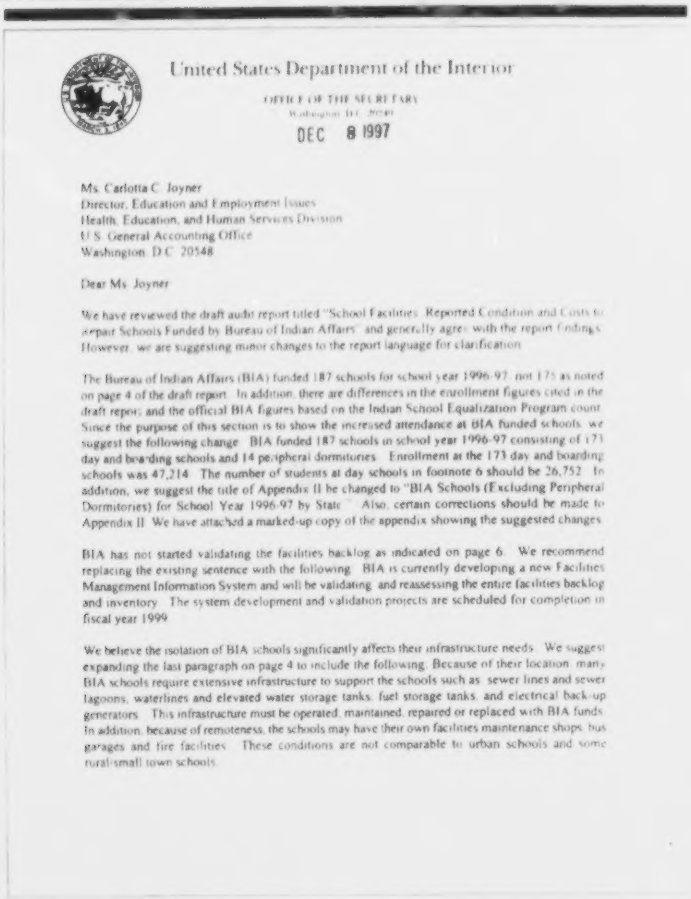
Not reported.

Not applicable.

School visited by GAO.

Appendix III

Comments From the Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 8 1997

Ms. Carlotta C. Joyner
Director, Education and Employment Issues
Health, Education, and Human Services Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Ms. Joyner:

We have reviewed the draft audit report titled "School Facilities: Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs" and generally agree with the report findings. However, we are suggesting minor changes to the report language for clarification.

Now on p. 3

Now footnote 7

The Bureau of Indian Affairs (BIA) funded 187 schools for school year 1996-97, not 175 as noted on page 4 of the draft report. In addition, there are differences in the enrollment figures cited in the draft report and the official BIA figures based on the Indian School Equalization Program count. Since the purpose of this section is to show the increased attendance at BIA funded schools, we suggest the following change: BIA funded 187 schools in school year 1996-97 consisting of 173 day and boarding schools and 14 peripheral dormitories. Enrollment at the 173 day and boarding schools was 47,214. The number of students at day schools in footnote 6 should be 26,752. In addition, we suggest the title of Appendix II be changed to "BIA Schools (Excluding Peripheral Dormitories) for School Year 1996-97 by State." Also, certain corrections should be made to Appendix II. We have attached a marked-up copy of the appendix showing the suggested changes.

Now on p. 4

BIA has not started validating the facilities backlog as indicated on page 6. We recommend replacing the existing sentence with the following: BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The system development and validation projects are scheduled for completion in fiscal year 1999.

Now on p. 3

We believe the isolation of BIA schools significantly affects their infrastructure needs. We suggest expanding the last paragraph on page 4 to include the following: Because of their location, many BIA schools require extensive infrastructure to support the schools such as: sewer lines and sewer lagoons, waterlines and elevated water storage tanks, fuel storage tanks, and electrical back-up generators. This infrastructure must be operated, maintained, repaired or replaced with BIA funds. In addition, because of remoteness, the schools may have their own facilities maintenance shops, bus garages and fire facilities. These conditions are not comparable to urban schools and some rural/small town schools.

Thank you for the opportunity to comment on this draft. If you have any questions regarding our response, please contact Ms. Linda Richardson, Director, Office of Audit and Evaluation at 208-1916.

Sincerely,

Kevin Gover

Assistant Secretary - Indian Affairs

Enclosures

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June 10, 1998

Mr. Chairman and Members of the Committee,

My name is Jeff Seidel and I am the president of Parkway Muni Resources, a firm located in Minneapolis, Minnesota, which specializes in obtaining financing for non-profit, governmental and commercial enterprises, particularly for those firms or entities which do not easily qualify for conventional financing in either the commercial banking or the investment banking markets. Currently, many of my clients are American Indians, which as we all know, have a difficult time financing non-gaming activities in the conventional markets.

Today, I welcome the opportunity to comment on the unenviable task of financing the construction and capital improvements of BIA Schools throughout the nation. While most Public Schools are funded through locally generated taxes, based primarily on property values within a particular school district, the same does not hold true for almost all Indian School Districts. For the most part, as many of us know, the responsibility for funding new construction or capital improvements to BIA Schools rests entirely with the federal government.

For a number of years now, many Indian Educational organizations have embraced the concept of leveraging existing appropriations to create current dollars for the estimated $866 million known backlog in BIA School construction and improvements. This concept of raising current dollars through the issuance of debt, with the repayment source being future appropriations, has been used for years in public schools and also on the county and state levels. Many of us on today's panels have sought the same solution on the federal level, only to find tremendous resistance from both the Department of Treasury and from those in the budgeting process. Other financing vehicles, such as contracting with the General Services Administration to lease the schools over a period of time, and leveraging those lease payments (as has been done for many federal buildings), or utilizing the 638 capital reimbursement program, has met with opposition from both the capital markets and the federal agencies involved. While we continue to pursue all of these avenues, we also applaud the recent focus to simply appropriate the necessary money over the next five years to eliminate the backlog.

In any financing, the critical element which dictates the overall cost to the project is time. The time of repayment will dictate how much interest will have to be paid the lender. Many of us have focused on this element alone as the guiding factor in qualifying a financing vehicle for consideration. With direct funding, the interest cost to the project (i.e., a BIA School), is eliminated from the formula, and is picked up on the mandatory side of the budget.

But, the time element of the design and construction process is not eliminated, and this is where I wish to introduce the cost of inflation. Since many of these existing schools are deteriorating at a pace much greater than the rate of inflation, the existing process of "band-aiding" these schools has obviously reached its limit. But, the process of designing, funding and constructing new schools, under the current BIA system, also has great inherent flaws. For instance, I use as an example, the new construction process for Marty Indian Schools in Marty, South Dakota. Under the current system, it took years for the budget of a new school to be established, which I believe was $7 million. And by the time the final design was completed and funding in the amount of $7 million was provided, the cost of construction had risen to over $12 million. Without any means to raise the additional $5 million, the Tribe just sat on the $7 million, hoping that Congress would provide the remaining funds before too long. It did not. So, Marty was forced to use the $7 million to construct one-half of a school facility, under the threat of recision. And, unfortunately, they will continue to beg for money from Congress to fund the other half without the benefit of being on the Bureau's priority list.

The great disparity of time between conception and construction allowed construction inflation (usually higher than the CPI) to become a huge factor. Simply put, the design period for BIA schools takes much, much longer than it does in the public schools. The designs created also more often than not do not reflect the environmental conditions of the state in which the school is located (i.e., flat roofs in South Dakota?). The funding process is a multi-stepped process (again, adding time) which adds only to the overall cost of the project. In sum, one of the largest problems with the current system is that it just takes too long to get from conception to construction.

One plan which I would ask the Committee to consider, is to allow the design and construction process to proceed locally, using bonded architects, engineers and construction companies; to use the trust departments of private financial institutions to maintain control over disbursement and re-investment of the funds; to allow Tribal Schools to raise "seed" money for professional services such as architects and engineers, through the issuance of debt guaranteed by the eventual direct funding of the entire project; and to have federal oversight come from an agency such as the Corps of Engineers, which has projects totaling over $100 billion every year in progress, and whose job it is to complete projects a timely basis.

I am certain that an agency such as the Corps of Engineers has a better understanding of timetables and the need to complete a project in a timely manner, than the BIA. Oversight cannot be provided by the Bureau which, I believe, does not grasp any concept of time management for construction projects, and also which has shown an amazing capacity to blame others for its problems. Oversight by the Bureau would also pose a significant conflict of interest, whereby the Bureau would be policing itself, something which in my opinion, has often resulted in delay tactics and maintenance of the status quo.

Using local architects, the design will take into account the local environment. Also, local contractors would use Indians and other minorities to help build the school. But mostly, those firms which are use to designing and building public facilities, would complete the project in an accelerated manner, as compared to the current system, and thus remove the cost of construction inflation. Give them a budget, provide them with mandatory deadlines for this pilot program, and let them work with the local Tribal School District to complete the project on a timely basis.

My proposal then is to carve out some of the funds being appropriated for new school construction for a Pilot Project, to use those funds as an add-on to moneys already advanced for the purpose of building new schools (i.e., Marty School) or for full funding of schools currently on the prioritization list. Take 3-5 projects on the prioritization list and allow local vendors, with federal oversight from an agency such as the Corps of Engineers, to design and build the schools under existing law. Allow these vendors to be paid either through nominal advances of direct project funds, or through the financing of these modest up front costs (usually less than $250,000 to $500,000) utilizing a guarantee of eventual direct funding. My opinion is that by the time other schools within the current Bureau system are finally designed, kids in these locally-built schools will be entering their new classrooms. In effect, localizing new school construction, in a manner similarly used by the Loneman School Corporation, will limit the significance of construction inflation on these schools, and thus save millions of dollars in band-aid repairs and wasted time.

Thank you for this opportunity to testify today. I would be pleased to respond to any questions you may have.

Yankton Sioux Tribe

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**STATEMENT OF ROBERT COURNOYER, VICE CHAIRMAN
THE YANKTON SIOUX TRIBAL COUNCIL
PO BOX 248
MARTY, SOUTH DAKOTA 57361**

Before the

**SENATE INDIAN AFFAIRS COMMITTEE
HEARING ON
INDIAN SCHOOL CONSTRUCTION FUNDING
JUNE 10, 1998**

OFFICERS:
TEPHEN N. COURNOYER, JR., CHAIRMAN
ROBERT COURNOYER, VICE-CHAIRMAN
HARLAN HORNED EAGLE, TREASURER
GLENFORD (SAM) SULLY, SECRETARY

Business and Claims Committee Y S T

MEMBERS:
FRANK JANDREAU, JR.
ROBERT (PETE) KEZENA
JOSEPH MCBRIDE
EVERDALE SONG HAW
JOHN SULLY, SR.

Yankton Sioux Tribe

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Mr. Chairman and Members of the committee, I am pleased to present this statement to your Committee because I believe the experience of the Yankton Sioux Tribe's school, The Marty Indian School, can contribute to your inquiry today.

Attached to my statement is a history of The Marty Indian School which began in 1926. Through the years The Marty Indian School has educated thousands of Indian children, paving the way for them to a better way of life than that experienced by their parents. We have struggled against great odds to keep these children in the classroom. The student dropout rate at The Marty Indian School is considerably less than the dropout rate of Indian children in the local public schools. It is a fact that most Yankton Sioux children attending local public schools never graduate. Most do graduate at our school, but we find ourselves at a crossroads.

A few years back we received a grant large enough to only replace half of our aging and hazardous school. We opted to use that grant to build the high school part of our school because we firmly believe a modern high school will discourage dropouts. We also view this replacement high school, now 70% completed, as a beacon of hope to our younger students who now attend classes in aging and run-down buildings--loaded with problems which put their health and safety at risk.

OFFICERS:
STEPHEN H. COURNOYER, JR., CHAIRMAN
ROBERT COURNOYER, VICE-CHAIRMAN
HARLAN HORNED EAGLE, TREASURER
GLENFORD (SAM) SULLY, SECRETARY

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JOSEPH MCBRIDE
EVERDALE SONG HAW
JOHN SULLY, SR.

Through the diligent efforts of the South Dakota Congressional Delegation, Senators Daschle, Johnson and Representative Thune, the 1998 Interior Appropriations legislation contains considerable legislative history, urging the Bureau of Indian Affairs to identify and address the serious health and safety problems at The Marty Indian School.

Thanks to the concern of Assistant Secretary Kevin Gover, we recently had a very productive meeting at Marty which involved the representatives of the BIA, the Tribe, and the School. At that meeting we had a good discussion of the future of our school. We feel that the meeting fostered cooperation between us in the future. We give our thanks to the Secretary for arranging for key BIA officials to attend.

The legislative history in the 1998 Interior Appropriations bill, to which I earlier referred, was written **before** an environmental catastrophe occurred at The Marty Indian School, earlier this year. Leaking fuel tanks and pipes allowed low grade number 5 heating oil to escape into the soil and water around our school, which resulted in our children's having to undergo testing of the lead levels in their systems. Fortunately, none of them have dangerous lead levels **at this time.** Also, we must not forget that there are large quantities of asbestos in the school buildings. We made the decision that we could not afford to keep these children so near this danger. Therefore, we are working with the BIA on a request for the reprogramming of pipelined roofing and repair funds to purchase portable classrooms for our elementary students. These temporary classrooms will be placed adjacent to the high school now being built. We have to get these children to safety.

We desperately need funds to build a permanent elementary school. We will make a good case for new funds, and we know that we will have the backing of our Congressional Delegation, which will work with Secretary Gover in seeking the highest possible appropriations for new schools.

The fact is, the BIA has approximately a billion dollar backlog of requests for construction and repair funds. Such a situation would not be tolerated in our public school systems. Non Indian children are not required to attend school in such dangerous old facilities such as the one at Marty and schools all across Indian Country. This situation simply is not right.

The Congress needs to step forward and help Secretary Gover get the funding needed to make Indian Schools remotely comparable to our public schools. New ways to fund this great backlog of need must be explored.

Presently, The Marty Indian School, with the blessing of the Yankton Sioux Tribe, is challenging a long standing BIA position that Tribally Owned Schools cannot avail themselves of the leasing provisions of the Indian Self Determination and Assistance Act. While we believe we have a good case, there is little or no money available to the BIA for leasing. Money is the bottom line.

We urge this Committee to explore innovative measures, such as bonding, to raise money for Indian school construction. Our children deserve no less.

We invite you to visit The Marty Indian School to see where age, environmental catastrophe, and inadequate funding all came together in one place to the detriment of the children. Surely this Congress, which provides huge sums of money for other agencies within the Department of the Interior will recognize that the BIA deserves better treatment.

The Yankton Sioux children are the future of our proud Tribe. The same is true for all other Tribes. This Committee has the responsibility to find a way to improve the disgraceful state of Indian schools all across our nation. We are willing to help in any manner we can, but we must ask, "Where are the priorities of Congress?"

I thank you on behalf of the Yankton Sioux Tribe and our children.

SCHOOL BACKGROUND AND HISTORY

Marty Indian School is owned and operated by the Yankton Sioux Tribe. The Marty Indian School is a legal entity of the Yankton Sioux Tribal Business and Claims Committee and is authorized to operate, maintain and administer Marty's educational programs on behalf of the Yankton Sioux Tribe. The School is located on the Yankton Sioux Reservation in southeast South Dakota near the South Dakota/Nebraska border four miles east of the Missouri River and 13 miles southwest of Wagner, South Dakota. The original Yankton Sioux Nation consisted of about two thirds of the portion of South Dakota lying east of the Missouri River. The original reservation consisted of 400,000 acres established by the treaty of 1858. Tribal enrollment for both on and off reservation Yanktons is over 7,000. Marty Indian School serves Students in grades K-12 in their Instructional programs. The school also operates a dormitory program for students in grades 6-12. Of the 796 school age children living on the reservation in 1994-1995, 290 or 38.94% of those children attended Marty Indian School. The remaining students attending The Wagner and Lake Andes public schools.

Marty Indian School, formerly known as St. Paul's Indian Mission, began in 1926 by a missionary priest from Indiana, Father Sylvester Eisenmann, O.S.B.. The leaders of the Yankton Dakota people wanted formal education for their children because they realized that change was coming for the Yankton Tribe. In April, 1921, three of these leaders, Thunder Horse, Edward Yellow Bird, and David Zephier made their trek to St. Meinrad Abby in southern Indiana to request that father Sylvester be assigned as the permanent missionary on their reservation. They camped on the lawn of the Abby until the abbot agreed to their plea.

When father Sylvester first came to the present site of Marty Indian School, he built a two story school building and a chapel. He named the mission after Martin Marty, the first South Dakota Roman Catholic Bishop. Osotewin - Smoke Woman - (to become known as Grandma White Tallow) donated the land for the new school and the farms needed to support it. The school was built building after building as the demand for space grew and funds were collected. Since its inception, through the labor of many devoted workers, Marty Indian School's campus has grown to include twenty-seven buildings on thirty beautifully landscaped acres.

In it's early days, the students learned a great deal from doing. During various construction phases, the students worked on the building projects for half of the day, and went to school the other half. There was a shoe shop on the campus, a printing shop where the bi lingual newspaper was published, and the school ran a farming operation.

In March 1975, the ownership of Marty Indian School was transferred to the Yankton Sioux Tribe from the Benedictine fathers of Blue Cloud Abby. Since that time, the school has been operated by the Marty Indian School Board of Education. Marty has continuously maintained full academic accreditation with exemplary ratings from the State of South Dakota Department of Education.

In the fall of 1994, Marty entered the Effective Schools Program. Since that time a new mission statement has been adopted which involves parents and staff. A comprehensive survey was completed. In- service training has been held on learning styles and teaching strategies. An in-service concerning centering on the issue of restructuring the school was held for all teaching and dorm staff in August of 1995. A curriculum committee consisting of representatives from the community, tribal education office, administration and teaching staff has been meeting for two years to make curriculum more relevant to students and increase student learning. This last year a Tribal Education Code was adopted by the Yankton Sioux Tribe.

In 1995, the Tribe was presented with the Lyle Richards Memorial Award for exemplary service to Indian children by the South Dakota Indian Education Association. Two middle teachers, Carrie Ackerman - Rice and Cynthia Goter were named Middle school teachers of the year. Dorothy Kiyukan, the Intensive Residential Guidance Program Director, was named National and State Indian Educator of the year in 1994. Karen White Horse was honored as Home Living Specialist of the Year in 1991 by the National Indian School Board Association.

For the last year, the SET Team (School Effectiveness Team), and Curriculum Committee have been gathering data to assess the direction the school. The school plans to break ground on a new educational building in the spring of 1996. Plans include incorporation of the latest state-of-the-art technology. Many curriculum changes are needed as the school moves from text based curriculum to outcome based education, with academic and behavioral objectives.

EDUCATIONAL PHILOSOPHY

The educational philosophy of the Marty Indian School has evolved since its inception. The school was founded because the community leaders wanted education for their children to prepare for the changes which they saw coming. The current leaders of the school recognize the acceleration of change in the world in which they live, and hold to the original basic tenet of the founders-- the education of their youth is vital to the future of their culture and way of life.

MISSION STATEMENT

The Mission of the Marty Indian School, in partnership with the Yankton Sioux Tribe and it's communities, is to offer a safe supportive environment: to provide intellectual, social, and cultural values needed to prepare our students for a multi-cultural Circle of Life: and to instill self discipline and respect for self and others.

EDUCATION

We believe that Marty should serve the educational needs of all students. The educational needs of the students include self-development in spiritual and moral values, in intellectual insight, emotional stability, effective human relations, and physical fitness. A special need of Marty students is the awareness , understanding, appreciation and enrichment of their native culture, and being free of alcohol and other drugs.

We believe that Marty should serve the educational needs of the adult Indians in the area and encourage community involvement in the educational opportunities available at Marty. It is our philosophy that Marty is the educational center for the Yankton Sioux Reservation. We believe that true education on any level is the instilling of the desire for continued learning through the development of a healthy curiosity, active interest, and enlivened ambition.

STUDENTS

It is the philosophy of Marty to provide a safe and secure learning and living environment to Marty students K-12. The objectives are : To assume full responsibility for all students-- including their conduct, safety and presence-- during the time they are in attendance, in class or residing n the dormitories; and to provide accountability standards by establishing and enforcing adequate student check out procedures.

COMMUNITY

It is the responsibility of Marty that the operation of Marty is the responsibility of the Indian people themselves. We believe that the successful operation of Marty depends o n the quality of service and the dedication of the people who administer the various programs at Marty. WE also believe that Marty is the social service center the people of the area, and the facilities and personnel of Marty are valuable resources for effective educational projects and human relations programs.

Objectives for the betterment of student dormitory life are: to provide training programs to the dormitory staff by developing a regular course of instruction and a comprehensive in-service schedule in which each staff member will learn the necessary techniques in providing a safe domiciliary environment.

SCHOOL COMMUNITY

Marty has as its goal the total education of its students at Marty and the self - improvement of the people in the local area. In order to accomplish this goal, objectives are delineated in regard to education: Marty will maintain an accredited school for grades K-12. As facilities and staff are available, the specific needs of Indian students will be served.

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TESTIMONY OF CHARLIE DORAME
TRIBAL ADMINISTRATOR OF TESUQUE PUEBLO
BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
CONCERNING SCHOOL CONSTRUCTION FUNDING FOR BIA-OPERATED SCHOOLS

June 10, 1998

Chairman Campbell, Vice-Chairman Inouye, Senator Domenici, and other esteemed Members of the Committee, my name is Charlie Dorame, and I am Chairman of the Te Tsu Geh Oweenge Day School Board and Tribal Administrator for the Pueblo of Tesuque. I come before you today to provide you with a description of the construction and repair problems faced by many schools in Indian Country and to discuss possible solutions.

Our school is located on the Tesuque Pueblo Reservation in New Mexico, and it sits on four acres of land held in trust by the Bureau of Indian Affairs ("BIA"). The school currently serves grades K-6 and has 57 students from our reservation as well as students from the surrounding area and nearby Pueblos. The school was built in 1929 by tribal members with assistance from BIA. The original campus consisted of a one room school house and a separate building that served as restrooms, a coal room, and a public shower facility. The living quarters for the teacher/principal were a part of the main building. Since 1929, several small administrative offices have been added to the school house, and the tribe has also added a cafeteria with restrooms and two portable classrooms. Our school library does double duty as a classroom. Over the years we have made numerous "band-aid" type repairs to the roof and heating system of the main building, but we still have problems with leaks, insulation is poor, and the exterior of the adobe building is beginning to deteriorate. Recently, we have also discovered asbestos in the cafeteria floor and in the old storage building that borders the school playground.

As a child, I attended classes at the school. Other than the cafeteria and two portable classrooms, not much has changed. Now, my sons and grandson attend the school. They play on the same swings, sit in the same building, and, for all I know, they may even sit under the same leaks as did I as a child. These conditions must change, or our children will be shortchanged on the quality education they deserve.

Worse, as our facilities are aging and falling apart, we are experiencing an increase in enrollment. At the current rate of population growth, we expect enrollment to double over the next few years. Classrooms are already overcrowded with two, sometimes three, grade levels per classroom.

The current school facilities do not allow for the use of computers, the Internet, or other similar technology by the students. We simply do not have the space or infrastructure to maintain these basic things that are so often taken for granted in other schools. To address these problems, we would like to build a new education facility on ten acres of land to house not only K-6 students, but also 7th and 8th grades, our education department staff, and the tribe's successful Head Start program. We have estimated the cost of constructing this new facility to be six million dollars. We are seeking assistance in making this dream a reality.

As you know, BIA maintains a Replacement School Construction Priority List (the "List") of schools in Indian Country that need complete replacement. The List currently has sixteen schools on it and has not been added to since 1993 due to cut backs in appropriations by Congress and other factors. Of that number, approximately eight new schools have been funded and completed or are near completion. The remaining schools are in various planning and design stages, but no funding for actual construction has been appropriated.

To address this backlog, the Administration requested $86.6 million for Indian school construction and repair. While we appreciate the significant increase over last year's allocation, it is still far below what is required to cover the massive demand for both new school construction and the need for primary repairs to older schools in Indian Country. According to the BIA and a report issued last December by the General Accounting Office ("GAO"), the estimated cost of current repair needs alone is $754 million. The GAO report also found that, of the 187 schools operated by the Bureau of Indian Affairs, sixty are in need of complete replacement. In addition, 63% of these schools are over thirty years old, and 26% of those are over fifty years old. **Te Tsu Geh Oweenge Day School is almost seventy years old.**

Thanks in large part to Senator Domenici, the Senate Budget Resolution calls for an additional $80 million above the Administration's request for BIA school construction costs. This additional money will speed the process of repairs and new school construction dramatically. We encourage the Senate and House Appropriations Committees to appropriate the Senate level of funding and respectfully ask that you add your voices to ours in requesting these additional funds.

I also urge you to consider Senator Tim Johnson's proposed Indian school bonding proposal. This proposal would establish an Office of Indian School Bonding (the "Office") within the Department of Interior to issue tribal government bonds through a joint powers agreement between individual tribes and the Office. The Office would use the existing authority of tribes to issue bonds. The joint powers agreement is necessary due to the current prohibition on issuing project-specific bonds. It would also allow for bundling of bonds, which is more attractive and profitable than individual tribes issuing numerous smaller bonds. Tribes would not be bound to any debt service.

The bonds would be backed by the full faith and credit of the United States and would be taxable, and the revenue raised directed to the BIA's existing Facilities and Management and Construction Center to be used to finance school construction projects by participating tribes. To get the program started, $200 million will be needed; thereafter, Senator Johnson estimates that $20 million per year will be required to service the debt.

Unless additional funds or alternative funding mechanisms are made available for Indian school construction, BIA will continue to keep the List closed to new requests. I urge you to make sure that this does not happen. We are in desperate need of new classroom facilities for our children. While the Tribal Council is fully prepared to use our own revenues to defray some of the costs for the construction and operation of this new facility, the fact is that our revenues are already being used to address other critical needs, including the serious lack of housing that exists on our reservation where some of the adobe buildings date back to the days of Spanish control of New Mexico.

Unlike other schools, Indian schools are a federal responsibility, and the federal government has been entrusted to maintain these schools. I urge you to live up to this trust and fight for the funds necessary to give Indian children even the baseline education we were promised and they deserve and need.

[illegible]

TESTIMONY
OF THE
MARIANO LAKE COMMUNITY SCHOOL BOARD

TO THE SENATE COMMITTEE ON INDIAN AFFAIRS
CONCERNING SCHOOL CONSTRUCTION
JUNE 10, 1998

Background

The Mariano Lake Community School Board serves the Mariano Lake Community School, a BIA funded school in Northwestern New Mexico and the eastern portion of the Navajo reservation. The school serves about 300 students in grades K through 6. About 25 % of the students attend as boarding students. The Board incorporated in February of 1997 and is in the process of converting the school from BIA operated to "grant school" status. The conversion will occur formally on July 1, 1998.

During the late 1980's, Mariano Lake was approved for a Facilities Improvement and Repair (F I & R)project. This project provided additional classroom space to accommodate a substantial increase in enrollment which occurred during that period. Part of that project was supposed to have been a multi-purpose building which included a library and gymnasium. Apparently due to a lack of available funding, the multi-purpose building was split from the rest of the project as a Phase II. This created a situation in the intervening years where the school was not meeting the BIA's space requirements for either the library or the gymnasium as set forth in the official document entitled "Education Space Guidelines" dated August 17, 1995.

Earlier this year, we discovered that our Phase II had been dropped from the "Program of Requirements" (POR) and we complained and sought an explanation. At this point, we have been informed that this project is back on the POR.

Comments and Recommendations

We understand that this hearing is not to make decisions about any individual project but to hear testimony and consider overall policy direction for school construction. Our experience has led us to certain conclusions concerning the overall process that we wish to share with the Committee.

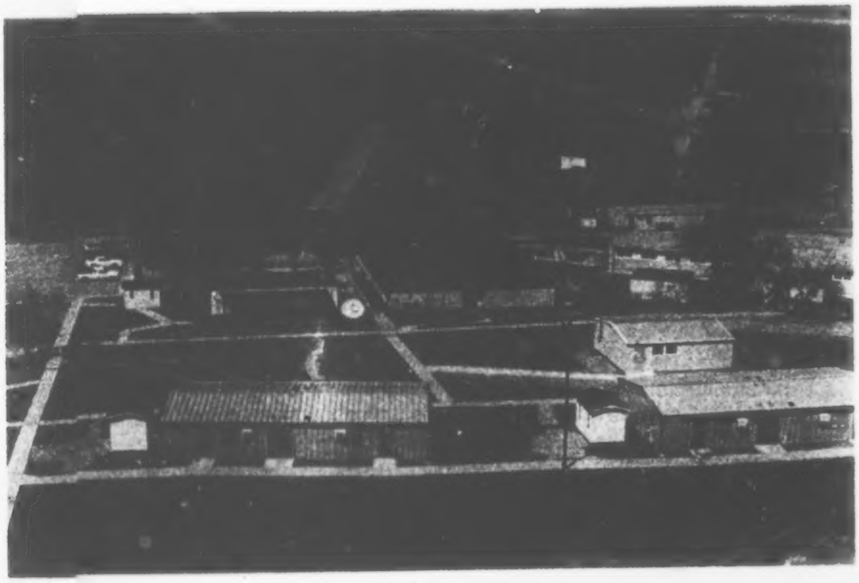
- 1 - We have found that it very difficult to get clear information on the status of our project. Somebody somewhere changed the Mariano Lake POR and did not inform us or the school officials. There needs to be a point of contact where school officials can get authoritative answers to the questions on project status. We would support a restructuring that gives line authority to FMCC if that would result in a more efficient, streamlined operation.

2 - We believe a project like ours "falls between the cracks" in the priority setting process. When our school expanded its enrollment, it no longer met the BIA space requirements. Our students are technically "unhoused" according to the definition in the Federal Register. However, the BIA says that we do not qualify for FI &R because of instructions from the Congress. On the other hand, the new school construction line item seems to be funding only large replacement or new schools and has been accepting no new applications for several years.

We strongly support redoing the priority setting process to establish a way for add on projects such as ours that enhance the quality of the educational experience as well as the living experience for students.

3 - The BIA states that its priority is classrooms. While we cannot argue against the importance of adequate classrooms, we also believe that there must be other important considerations. After seeing the dormitory kids trying to play basketball outside in a cold hard wind with sand blowing, we know it is time to get a multi-purpose building for our students.

We thank you for the opportunity to submit this testimony and appreciate the Committee's interest in this important matter. If you have any questions, please contact our Executive Director, Gloria Begay Duus, at (505) 786-5219.



NAVAJO AREA SCHOOL BOARD ASSOCIATION, INC.
NASBA
P.O. BOX 3719
WINDOW ROCK (NAVAJO NATION), ARIZONA 86515
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BIA School Construction Testimony
By the Navajo Area School Board Association (NASBA)

Senate Committee on Indian Affairs
June 10, 1998

BACKGROUND

At this point, it is pretty well known that the condition of BIA school facilities is generally quite poor. These conditions on Navajo go back several years and there are several root causes.

Many schools date to the 1920s and 30s. Many are built from hand hewn red sandstone. They have antiquated steam heating systems, but all in all, they are comfortable and pleasant, the thick stone providing good insulation against summer heat as well as winter cold. None of these facilities can meet current code requirements, but some of them are still serviceable.

During the 1950s and 60s, there were a number of large boarding school facilities constructed. Many of these facilities were designed for air conditioning, which for one thing meant they were built with very small windows or windows that did not open. Air conditioning was never installed, resulting in rooms that got very hot and stuffy in the late spring and early fall. There is simply no way to get any air circulation in these classrooms or dormitory rooms. The students would eventually break out the windows in their sleeping rooms or perhaps dropout of school because of the conditions. Some of these schools have been corrected through F I & R projects, but only after years and years of suffering students.

There used to be a mentality among those designing schools on Navajo that Navajo was located in the desert and so there was little or no snow or rainfall. Little thought was given to the endemic problem of building flat roofs, such as might be appropriate in other parts of the Southwest, but are not appropriate in Navajo country. The result was that the roofs nearly always leak and once repaired, it is not long before they leak again.

(Perhaps after landing people on the moon, scientists should have tackled the seemingly more difficult problem of fixing the leaking roofs at Navajo BIA schools.) However, this did not happen and the flat roofs still leak and need constant maintenance and repair. Eventually, the lack of roof repairs and other maintenance cause structural problems to the walls and foundations. When the repair costs are estimated to be at least 50% of the replacement cost, the Bureau becomes very reluctant to allocate its scarce maintenance funding to the facility since it is now marked for demolition. However, the funds for replacement may be years and years down the road. If the damage was extensive, the building would then be identified as a "construction " project and would probably no longer be eligible for F I & R funding. It would instead compete for the even scarcer new school construction funding on a list that has not been updated for several years.

RECOMMENDATIONS

1. While there is a well documented need for school construction and Facilities Improvement and Repair (F I & R) funding, and we strongly support the increase approved by the Senate; the need is at least as great for adequate Facilities Operations and Maintenance (O & M) funding. The failure of the Bureau to provide adequate maintenance through the years has resulted in the deplorable condition that so many of the facilities are in. The current funding level for O & M represents about 2/3 of the need level.

2. There are factors which cause the BIA's O & M costs to be higher than those of public schools.; The most important of these is that maintenance workers are, by law, classified as "wage grade" employees, resulting in pay that is substantially higher than comparable workers in the public schools. Also, the BIA must often operate utility systems because of the isolation of the school; such as water and sewage treatment plants, and central heating systems; whereas most public school systems in the countryhave access to municipal systems.

3. Projects for construction of new buildings at a given school site to enhance the program or meet BIA space requirements do not seem to have a priority list on which they fit. The Bureau indicates that Congress has told them to not include projects costing in excess of $1 million or buildings other than replacements on the F I & R list. Meanwhile, the new school construction list hasn't accepted new projects at all. Over the past several years, such projects have been neglected since they haven't been under active consideration on either list. There may be a need for a separate list for such projects.

4. The current method of determining priority needs using the concept of "unhoused students" should be revamped. There really are no unhoused students attending BIA schools. There are only students attending school in facilities in various states of disrepair. It is possible for a school to have wonderful classrooms but a horrible dormitory, yet it would be very difficult for the dormitory to score high based on "unhoused students" criteria in such a situation. The Bureau says its priority is

classroom space. That sounds good until the living conditions in some of the dormitories, where boarding students spend considerably more time, are considered.

In the situation where there is a scarcity of funding, it is essential to take into account the relative need for a school when considering construction projects. It is hard for us to understand how a school in a small farming community in Iowa can rank higher than some of our isolated schools on the Navajo reservation.

5. One of the very significant needs on the Navajo reservation, particularly in residential settings, is the need for multi-purpose rooms or buildings. Such buildings not only serve the students but can serve the community as well. It must be remembered that these schools are often part of isolated communities where there are few places people can gather or get involved in any kind of recreation or social activity. In many urban and suburban communities across the country, school gymnasiums and meeting rooms become community centers after school hours and during the summer months. The Bureau should actively support use of its facilities in this manner in partnership with the communities it serves.

We thank the Committee for the opportunity to submit testimony and for its interest in this very significant problem facing BIA funded education programs. If you have any questions concerning this testimony, please contact Angela Barney Nez, NASBA Director at 520 871-5225 or Verner V. Duus, Consultant, at 301 292-2744.

PETE V. DOMENICI
NEW MEXICO

United States Senate
WASHINGTON, DC 20510-3101

COMMITTEES
BUDGET
APPROPRIATIONS
ENERGY AND NATURAL RESOURCES
INDIAN AFFAIRS
GOVERNMENTAL AFFAIRS

December 4, 1997

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D. C. 20500

Dear Mr. President:

As you prepare your budget for fiscal year 1999, I am very interested in working with you to find a better way to finance Indian school construction and repairs. Under the current system, we are funding one new Indian school a year in a universe of dire need that has a known backlog of almost $700 million ($682 million). BIA projections are that nine schools could be funded in the next seven years, funds permitting. Sixty of the 185 BIA schools are in need of complete replacement or serious renovation. Funding one out of sixty needed schools each year will certainly serve to keep Indian school children at the bottom of our nation's educational achievements for several more decades. I believe this is too high a price to pay for our lack of innovation in meeting this federal obligation to Indian children.

While I am not recommending a specific avenue to accelerate funding this huge backlog of Indian school facility needs, I am most willing to work with you to find room in our federal budget for this national trust obligation. In general, I have not supported federal involvement in the construction or renovation of school facilities, which is essentially a state and local responsibility. These are federally owned schools, however, and the federal government is not only responsible for these BIA school facilities, it is also liable for accidents or injuries attributable to the poor condition of these schools. While the vast majority of Indian students attend public schools, the 10 percent or so of Indian students in federally operated BIA schools deserve better from the federal government as their "trustee."

It seems to me that together we can find a way to fund at least 5 or 10 schools each year for several years, thus recognizing both our trust responsibility to educate Indian children and meeting our legal obligations to do so in safe and sanitary conditions. Your personal attention to this critical Indian education issue could have lasting benefits to the Indian people of our nation.

Sincerely yours,

Pete V. Domenici
United States Senator

PVD:jwt
cc: Franklin Raines, OMB
Kevin Gover, BIA

PRINTED ON RECYCLED PAPER

Replacement School Construction

Program Description ($19,200,000): During fiscal years 1991 thru 1997, $117.2 million was appropriated to complete construction of schools at Laguna, Choctaw, Dunseith, Pine Ridge, and the Haskell Dormitory, as well as the first eight schools on the Replacement School Construction Priority List (List). Funds appropriated in FY 1998 were used to start construction of the Many Farms School complex. This school is ranked no. 4 on the Replacement School Priority List (List). Funds appropriated in FY 1998 will be used to accomplish site work at both the Sac & Fox Settlement School and the Pyramid Lake High School. These schools are ranked 10 and 11, respectively, on the List. Congress also funded the rebuilding of the Wa-He-Lut School which was completed in seven months and is occupied. The status of each school project on the List is presented below.

REPLACEMENT SCHOOL PROJECT	PROJECT STATUS
1. Pinon Community School Dorms	Funded, Construction is Complete, except Employee Quarters for which *Public Law 93-638* construction contract due for completion March, 1998.
2. Eastern Cheyenne River Consol. School	Funded, Construction is Complete; school is occupied.
3. Rock Point Community School	Funded, Construction is Complete; school is occupied.
4. Many Farms High School	Funded, Construction anticipated to start in summer of 1998.
5. Tucker Day School	Funded, Construction is Complete; school is occupied.
6. Shoshone Bannock School	Funded, Construction is Complete; school is occupied.
7. Standing Pine Day School	Funded, Construction is Complete; school is occupied.
8. Chief Leschi School	Funded, Construction is Complete; school is occupied.
9. Seba Dalkai School	Design scheduled for completion July 1998; construction funds requested in 1999.
10. Sac & Fox Settlement School	Design 70% complete; requesting construction funding in FY 1999.
11. Pyramid Lake High School	Design completed; requesting construction funding in FY 1999.
12. Shiprock Alternative School	Planning is nearly complete; funded for design; not funded for construction.
13. Tuba City Boarding School	Planning to begin Spring of 1998; funded for design; not funded for construction.
14. Fond Du Lac Ojibway School	Design is underway; not funded for construction.
15. Second Mesa Day School	Design to 40% is underway; not funded for construction.
16. Zia Day School	Planning completion is anticipate in second quarter of 1998, funded for design, not funded for construction.

BEST COPY AVAILABLE

Senator Pete V. Domenici

Indian School Repair, Renovation and Replacement

A Crisis in Three R's in Indian Country

S. Con. Res. 86 Concurrent Resolution on the Budget

Overall Assessment of Indian School Physical Conditions

Today there is a **$1.5 billion backlog** of repairs, renovation, and replacement for **all federally owned and operated BIA schools**, including elementary, secondary, and post-secondary schools.

A December, 1997 report by the General Accounting Office (GAO) concluded that "the cost of the total inventory of **repairs** needed for BIA education facilities (elementary and secondary only) is **$754 million**. This includes **$693 million for repairs to school buildings, including dormitories** for students. It also includes **$61.7 million** in repairs needed for education quarters such as **employee housing**.

The footnote to this estimate notes that $754 million "does not include the costs of replacing school buildings. BIA's priority list for constructing education facilities includes **eight unfunded school replacement projects** with a total **estimated cost of $112 million**."

The BIA Construction Priority List

Mr. President, we in the Senate who pay close attention to this BIA priority list for school construction are well aware that this list has been frozen for several years now. This means that the eight school scheduled for replacement are the ones on this frozen priority list. I am attaching this list of 16 total BIA schools from the Administration's FY 1999 budget request for the Record.

Obviously, a school that is replaced would be deleted from the list of school needing repair. The GAO report includes the costs of schools scheduled for replacement. In short, the GAO estimate does not fully estimate the costs of replacement schools.

To get a rough idea of the costs of replacing these schools, including those that **are not on the frozen priority list**, I have checked with the Assistant Secretary for Indian Affairs, Kevin Gover. His office informs me that 50% of the 185 BIA schools are over 30 years old and fail to meet current codes and standards.

The GAO, has noted that 25% of BIA schools are over 50 years old, and, of course fail to meet the same standards for safety and teaching.

Total BIA Schools Needing Replacement and Repair

There are **93 BIA schools that should be replaced--well beyond the current priority list of 16.** At an average cost of $180 per square foot, these 93 schools would cost **one billion dollars to replace.**

Replacing these 93 oldest BIA schools would leave about $200 million in repair and renovation costs for the remaining 92 BIA schools.

This simple arithmetic gives us a current estimate of about **$1.2 billion to bring all federally operated BIA schools up to par**.

Indian Community Colleges

These Indian community colleges fall into two categories: those run by the BIA and those that are **tribally controlled community colleges.**

In the first category, those run by the BIA, Haskell (Kansas) and SIPI (Albuquerque) are the only two that are fully federally operated by the BIA. The BIA now has 26 tribally controlled community colleges eligible to receive funds through the Tribally Controlled Community Colleges Act, and one more, United Tribes Technical College, funded through the BIA's Community Development funds.

In total, then, there are 29 Indian Community Colleges with direct BIA funding, and one, Crownpoint Institute of Technology, that is funded primarily through the Carl Perkins Vocational Education program of the U. S. Department of Education.

These Indian community colleges have an estimated **repair and renovation cost of about $310 million.** Replacement costs, such as the Shiprock branch of Navajo Community College, are not included. The Shiprock branch is estimating the costs for a new campus at about $28 million. The need for married student housing at Crownpoint Institute of Technology is also not included.

Total BIA Schools and Indian Community Colleges

For the sake of simplicity, we can easily estimate that total repair, renovation, and replacement costs for all elementary, secondary, and post-secondary BIA schools and tribal schools eligible for BIA funds, **exceed $1.5 billion.**

GAO Report on BIA Schools

For the benefit of my colleagues, I would like to submit an edited version of the GAO study on Indian school repair needs. Please keep in mind that this report is focused on elementary and secondary schools only.

The GAO finds that 47,200 Indian students are served by 173 schools. The BIA count is 185 schools and over 50,000 students. The BIA schools range in size from 15 to 1,144 students, with about half of these schools enrolling fewer than 200 pupils.

Growth is very high in these schools with an increase in student enrollment of *25 percent since 1987.* Most of this growth has occurred in the last 5 years.

About 10 percent of all Indian students attend BIA schools, funded or operated by the BIA. The vast majority or 90% of Indian students in America attend regular public schools.

BIA schools are located in 23 states, but are highly concentrated in 5 states — North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA schools are generally in poorer physical condition that even central city schools and lack more key facility requirements than typical American schools.

The BIA schools are older and less able to support computer and communications technology than average American schools.

Conclusion (S. Res. 100 on Education of American Indians)

In addition to the physical needs of our federally operated Indian schools and colleges, there is a parallel crisis in operating funds for Indian schools nationwide.

American Indian students have the highest dropout rate of any racial ethnic group (36%) and the lowest high school completion and college attendance rates of any minority group.

Average annual funding for Indian college students is $2,900 compared to $6,200 for Americans as a whole.

Senate Resolution 100, introduced in the First Session of this Congress which I introduced with the cosponsorship of Senators Campbell, Inouye, Johnson, Dorgan, and Wellstone, discusses the overall situation of Indian education and calls upon the 105th Congress to address these issues through major education bills under consideration.

I urge my colleagues to review Senate Resolution 100, and support its passage by this body in order to draw more needed attention to the major problems we face today in Indian education.

I ask unanimous consent that S. Res. 100 be made a part of the Record, along with the BIA school construction priority list, and my summary of the GAO report on Indian school repairs.

TSE'II'AHI' COMMUNITY SCHOOL

NEEDS YOUR HELP PLEASE!

BUS LOADING
AREA NO PARKING

TSE'II'AHI' COMMUNITY SCHOOL

Navajo Area
Eastern Navajo Agency

Principal: Sherry A. Woodside
P.O. Box 828
Crownpoint, New Mexico 87313
(505) 786-5389
No Fax

Home of the Navajo Wranglers

The education of our youth is the key to the future.

– Chee Bradley Thompson
P.O. Box 342
Crownpoint, NM 87313
505 - 786 - 5389

TSE'II'AHI' COMMUNITY SCHOOL
CURRENT ENROLLMENT & FACILITIES INFORMATION
WINTER 1998

LOCATION: Tse'ii'ahi' Community School is located on the Navajo Reservation, Eastern Navajo Agency of the Bureau Of Indian Affairs. The school is located 15 miles North by northwest of Crownpoint, New Mexico on Navajo Route #9. The access road which is approximately 3/4 mile long from Navajo Route 9 was paved in 1996 all the way to the school. The school buildings are located within a fenced compound (see attached map) in the Navajo community of Standing Rock. The Standing Rock Chapter House, senior citizen's center and pre school is located approximately 1/4 mile from the school.

HISTORICAL INFORMATION: The original school building (401) was constructed in 1935 as part of a WPA project. The building was built of native sandstone with vegas hauled from the Chuska Mountains. This building still houses the school offices, teacher work room, file room, kitchen, dinning room and a single classroom. This building has 4,562 square feet of available space, but the space is poorly apportioned being divided into former quarters which is now used for office space, two small classrooms, a dining area, a kitchen and bathrooms. Examples of this cramped space can be seen in the attached pictures. Additionally the Useful Life for this building was determined by Facilities Management Inventory Building Survey done in 1990 to be 1975. The Useful Life for this building ended 23 years ago, but regardless of statistics, it is still be used daily. A dormitory building (#412) was added in 1959 and was converted into two classrooms in 1985. A computer lab was added to this building when the former "night attendant quarters" was partially renovated for this purpose in 1991. Other minor renovations have been made over the years, but this building remains basically a dormitory. It has 3,699 square feet of usable space which is divided into two classrooms, a computer lab, two small storage rooms, two bathrooms and an entrance way. It's Useful Life was set for 1999, but recently it has been having leaking roof problems which will require a major M I & R project within the next two years. The third grade is currently housed in a portable building brought in from Torreon Day School in 1980. This building was not new when obtained from Torreon. The estimated age of this building is 25 years with a Useful Life of given as 2020. However, this building has had extensive problems during the past five years when it became a classroom. The roof leaked in 1994 and 1995, but was replaced in 1995. However, electrical and lighting problems resulted. Additionally, due to extensive use, the bathroom plumbing has developed problems and cannot be used on a regular basis. Finally, the back door frame has come loose from the building and has had to be repaired several times causing the door to sag, not close properly and leak air, dirt and rain. While the building can be renovated, the cost would be high; estimated at $20 to $30, 000. As the building only has 925 square feet of space, including the bathroom, it does not meet OSHA and BIA space standards of 35 square feet per child for the 30 elementary students in the third grade. Fortunately both kindergarten classrooms are now housed in newly purchased used portable buildings complete with two bathrooms each, newly remodeled and of adequate space to meet both OSHA and BIA guidelines. The fourth grade classroom is housed in the new portable which arrived in 1995. This is the first new building this school has had since the used building was obtained from Torreon in 1980. While the kindergarten, first, second and fourth grade classrooms are reasonably adequately housed, the third grade and the spit first/second grade classes are terribly cramped and housed inadequately according to both space and safety guidelines. Additionally, dinning is done in three shifts due to lack of dinning room space and the minuscule kitchen. Note, the kitchen is so small two cooks cannot move past each other on the same side of the food preparation table. Instead they must "dance" around each other to move from the stove to the sink and back to the stove again. The current library is in storage in a partially renovated quarters trailer because there is no space for a library. Special education students, sometimes ten at a time, are housed in a second partially renovated quarters trailer. This trailer also serves for testing and speech services using the former back bedroom area. Counseling services are squeezed into the former back bedroom in the storage trailer for the library. The custodian uses the third un renovated trailer for his storage and repair area, but must share storage space with the academic department as they have only limited storage space. This building is completely unsuitable for any other use as there is no water or sewage and minimal lighting. Renovations would be extremely expensive. There is no space for adaptive physical education and occupational therapy which has fourteen students at this time. Finally, during bad weather there is no place for the students to play inside and no room large enough to have student assemblies or any type of activities. No other buildings or options are available to alleviate the overcrowding and unsafe facilities at Tse'ii'ahi' Community School. Since 1990 New School Construction Applications have been made through the proper channels every year. Additionally, applications have been filed yearly for expansion through new portables from FMCC, but as of this date only one new portable has been received. Two additional portables were purchased used utilizing ISEP funding when the situation became desperate and no other resources were available.

Total Available Space For Education: Approximately 6,125 square feet which includes two bathrooms in each of the kindergarten rooms and a single bathroom in the third grade and fourth grade classroom.

Total Number Of Students In School Year 1997-98: 168 count week.
Square Footage Per Child: 36.5 feet with bathrooms. This does not meet BIA or OSHA guidelines.

STUDENT POPULATION: The following chart demonstrates student enrollment growth at Tse'ii'ahi' Community School during the past ten years.

1988: Grades Kindergarten thru 3rd: 64 students
1989: Grades Kindergarten thru 3rd: 76 students
1990: Grades Kindergarten thru 3rd: 94 students

1991: Grades Kindergarten thru 3rd: 114 students
1992: Grades Kindergarten thru 3rd: 124 students
1993: Grades Kindergarten thru 3rd: 133 students
1994: Grades Kindergarten thru 4th: 155 students (A fourth grade was added with approval from Washington, D.C. and the Navajo Tribe. A new portable was provided for this grade expansion.)
1995: Grades Kindergarten thru 4th: 167 students
1996: Grades Kindergarten thru 4th: 168 students
1997: Grades Kindergarten thru 4th: 170 students
1998: Projected enrollment will be at least 170 students.

Note, this projection will not increase until after the year 2000 when OIEP lifts the moratorium on grade additions and expansions. The communities of Standing Rock, Nahodishgish and Coyote Canyon have requested Tse'ii'ahi' Community School expand their facilities to allow for greater enrollment in first thru fourth grade and to add a fifth grade, but due to the moratorium on grade additions and expansions, this is not possible at this time. Thus a waiting list has been established. This year there were 13 first thru fourth grade students on this list. A waiting list has been in place for the past three years with no current hope to resolve this problem.

ALTERNATIVE SCHOOLS AND PLACEMENT: At this date the other schools within the Standing Rock, Coyote Canyon and Nahodishgish areas are also at capacity and have requested additional space or are utilizing all existing space and are overcrowded. This includes both Bureau of Indian Affairs schools and McKinley County Public Schools.

Crownpoint Public School: Distance 15 miles from the the school plus additional miles from the students homes. Currently full.
Crownpoint Boarding School: Distance 15 miles from the school plus additional miles from the students homes. Currently full.
Chuska Boarding School: Distance 40 miles from the school plus possible additional miles from the students' homes. Currently full.
Twin Lakes Elementary School: Distance 45 miles from the school plus possible additional miles from the students' homes. Currently full.
Note: Gallup McKinley County is building additional schools to house their increasing student population many of whom are from the Navajo Reservation.

SAFETY AND FACILITY CONCERNS: Student safety is a major concern for all educators across the nation. Given a school where the main building was constructed as a WPA project in 1935, the second largest building was constructed in 1959 for purposes other that education and the remaining building are portables not designed nor intended for permanent, long time use, Tse'ii'ahi' Community School demonstrates a very real need for new school construction and/or major renovation.

Attached is the Budget Calculations for FY 1998 for Tse'ii'ahi' Community School.

Estimated need for this 64 year old facility is $170.470. This is with no renovations planned, simple preventative maintenance, program support from ENA work center, utilities, custodial services and minor training. With the 66% constrainment currently placed on Facility Management the estimated cost is still $112, 982. This is barely enough to continue the operation of the school with minimal supplies and materials for this up keep. This includes no funding for painting, repairs, renovations or replacement of equipment and facilities such as sinks, toilets, floor tiles etc. Over the past five years ISEP funding has been used for standard supplies such as toilet paper, soap and paper towels. ISEP funding has purchased linoleum for the dinning room and tiles for the bathrooms. ISEP funding has even been used for paint as there has never been enough money in Facilities Management O & M funding to do more than emergency type maintenance. Now, with the budget being only 66% of estimated need, conditions are anticipated to be worse than ever before. With the rising cost of electricity, gas and water and even vehicle fuel for maintenance personnel to travel to the site, the situation will deteriorate to the extreme if measures are not taken immediately to resolve this problem in favor of additional funding and both short and long range plans for renovations, additional portable buildings and most importantly, new school construction.

ATTACHMENTS:

1. Pictures from Tse'ii'ahi' Community School.
2. Requests from the students of Tse'ii'ahi' Community School.
3. Tse'ii'ahi' Community School Parent Survey Results 1996-97 and 1997-98.
4. Map of Tse'ii'ahi' Community School campus.

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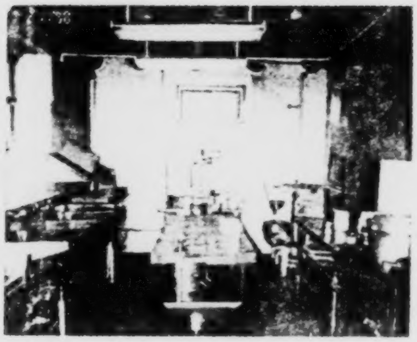
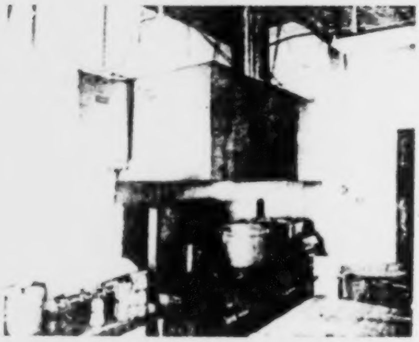
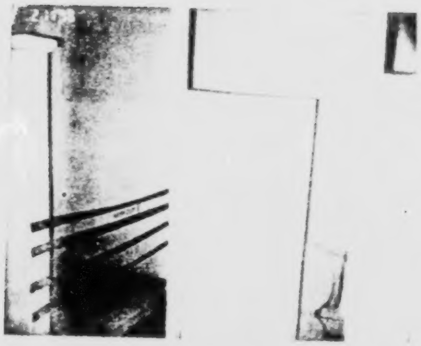


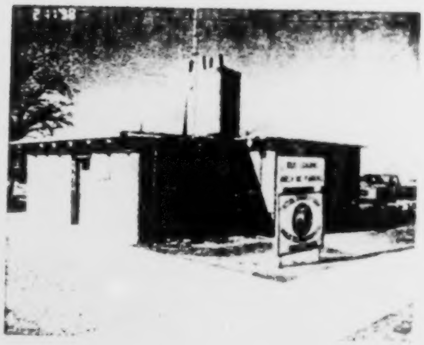
Building 401 - Kitchen



Building 401 - Kitchen



Building 401 - Bathrooms



Building 401 - Exterior
Built in 1935

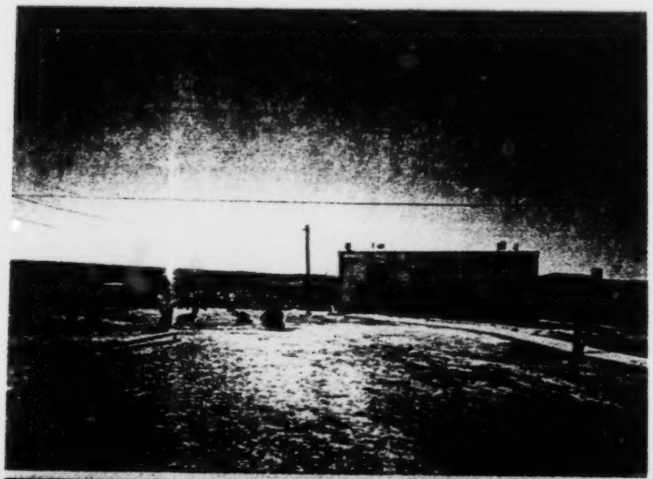
Building 401- Classroom

Building 412 Built 1959
Former Dormitory

Playground

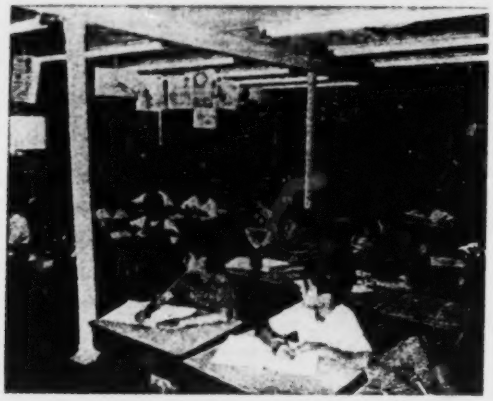
Building 401 Exterior

Building 401 - Front



Building
157780
exterior

Building
401
Front



Building 157780 - Portable

Building 157780 Portable

Tse'ii'ahi'
Community
School
Kindergarten #1

We need a new dinning
room please!

assan

eal John

Tyla

ara Smith

Samantha

Shannon

Chris

abeline

Brent

la Hint

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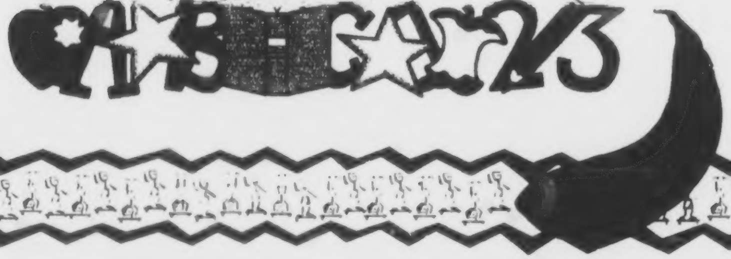
Tse'ii'ahi' Community
School
indergarten #2

We need a new dinning room please!

Rhae
Lyana
Nelvin
Iveonn
Samantha
Kollyn
April
Celisa
FranklinLeWIs

Lynette
Divina
Tuesday
Jonathan
Veranda
Nolan
Brandon
Krystal
Norina
Shane

Michael
Sh Shp
Jacob
Rooonly



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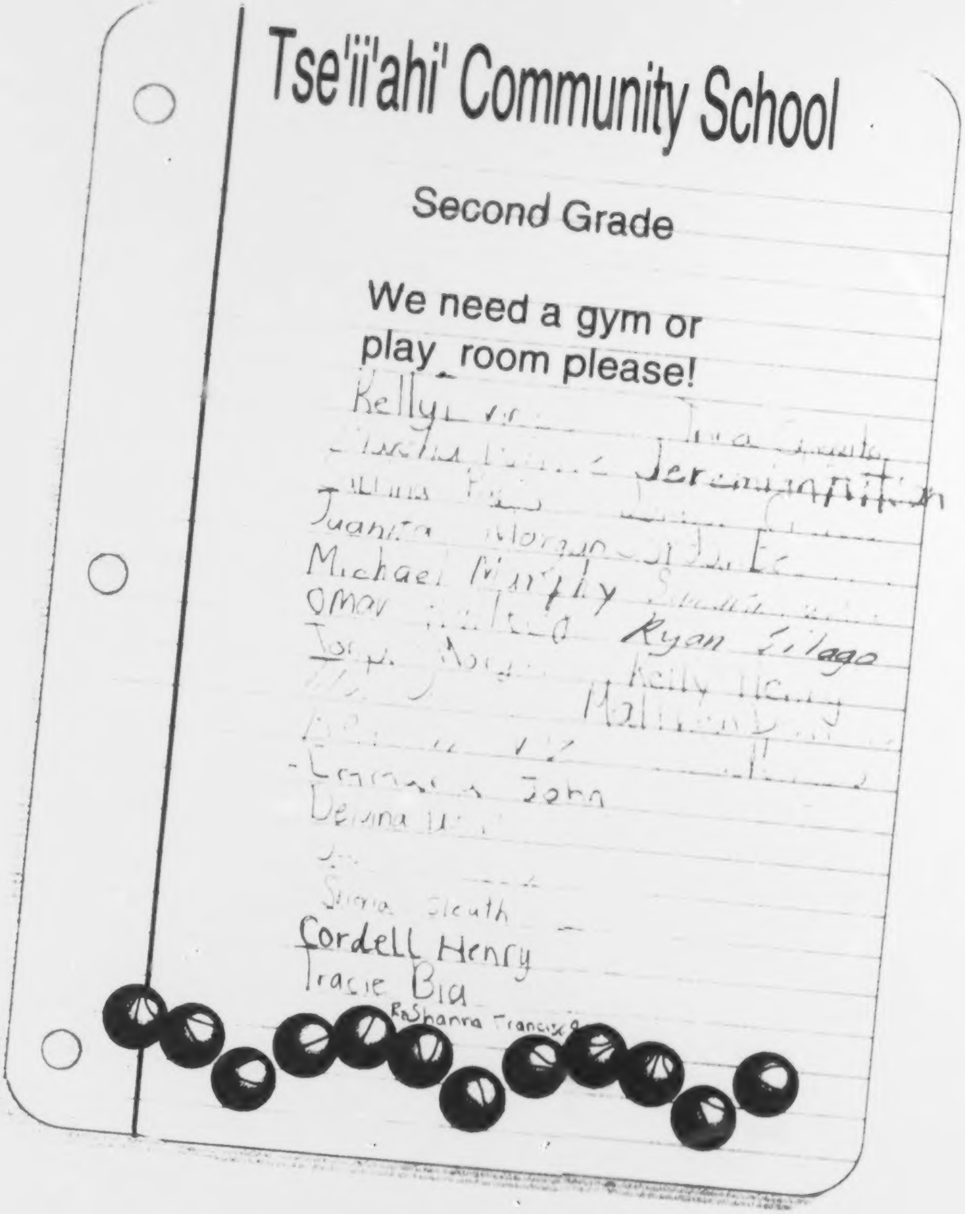
Tse'ii'ahi' Community School

First Grade

We need a gym or a
play room please.

[illegible]
Gordon
Vanessa
Patricia
Maurice
William
Chase
Brian
Tahnie

Karen
Korletta
Ervin
Chermayne
Alwin
SunnyRose
[illegible]
[illegible]



Tse'ii'ahi' Community School

Second Grade

We need a gym or play room please!

Kelly [illegible] [illegible]
[illegible] Jeremiahhilton
[illegible]
Juanita Morgan [illegible]
Michael Murphy [illegible]
Omar [illegible] Ryan [illegible]lago
[illegible] Kelly Henry
[illegible]
[illegible] John
Devina [illegible]
[illegible] Sleuth
Cordell Henry
Tracie Bia
RaShanna Francisco

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Thelissa LeTollth Shawn Yazzie

TSE'II'AHI' COMMUNITY
SCHOOL
MULTI AGE
CLASSROOM

Sheyanna

Jarvis Charley

Tsosie Kinby

Tatum Lee

Anna John

Ornile Anderson

Jeremiah Dale

Danica Yazzie

adrian Lee

Cody Tsosie

Alexandrea Yazzie

Myron Sam

Tiffany Chiquito

Epfriem Lauis

Melissa

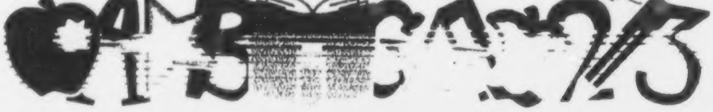
WE NEED A NEW
CLASSROOM PLEASE!

Alvina Lee

Mariah Billy

Darnelle Tso

Darrell Miller



TSE'II'AHI'
COMMUNITY SCHOOL
THIRD GRADE

Miss Esterly [illegible]

[illegible] Alex

Kevin Augustine Miller

Erika [illegible]

Colton Toe Kayla

Lance Lee

Michael Upshaw Kevin B

Besslleta Jim Forlando

Ashley Billy Jessica

Glorita Little Amber

Ordale

Falonda

Raelene

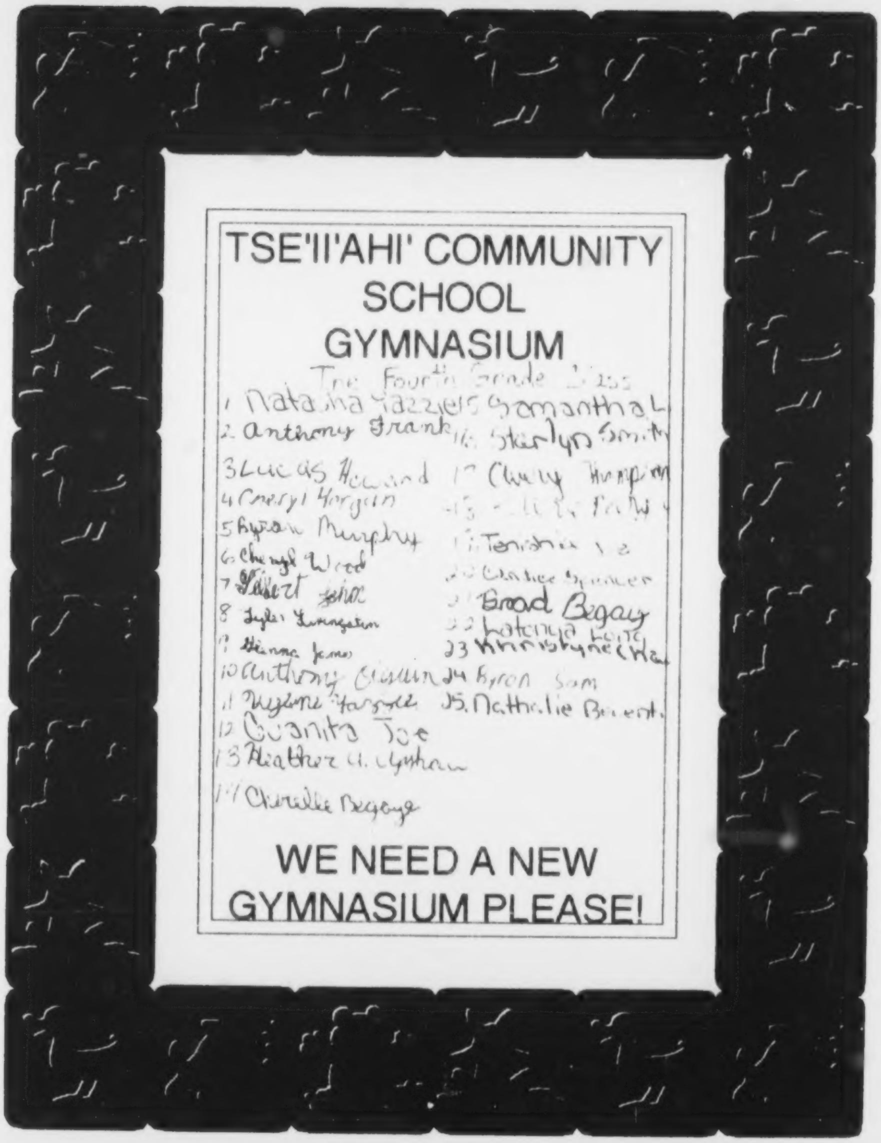
Dervin Joe

Martina Begay

Christie

Gerritt

WE NEED A NEW CLASSROOM PLEASE!



TSE'II'AHI' COMMUNITY
SCHOOL
GYMNASIUM

The Fourth Grade Class

1 Natasha Yazzie
2 Anthony Frank
3 Lucas Howard
4 Cheryl Morgan
5 Byron Murphy
6 Cheryl Wood
7 Gilbert [illegible]
8 Tyler Livingston
9 Glenna James
10 Anthony [illegible]
11 [illegible] Yazzie
12 Juanita Joe
13 Heather A. [illegible]
14 Cherille Begaye
15 Samantha L
16 Sherlyn Smith
17 Cheryl Thompson
18 [illegible]
19 Tenishia [illegible]
20 Clarice Spencer
21 Brad Begay
22 Latonya [illegible]
23 [illegible]
24 Byron Sam
25. Nathalie [illegible]

WE NEED A NEW
GYMNASIUM PLEASE!

BUDGET CALCULATIONS
FY 1998

AREA Navajo
AGENCY Eastern
LOCATION Standing Rock

SHEET 5

Fill in light shaded portion only.

Reports Needed
1. O&M Formula
2. O&M Constrained
3. Area Centralized Crew Costs

AWFBUDG.WK3

PROGRAM	NEED (A)	PERCENT (B)	CONSTRAINED (C)
1. AREA CENT CREW (31060)	▨	▨	$9,496
2. UTILITIES (31061)	$33,648	1.0000	$33,648
3. PREVENTIVE MAINT (31030)	$21,364	1.0000	$21,364
4. PROGRAM ADMIN (31010)	$23,244	0.7500	$17,433
5. FIRE PROT (31040) 1% NEED	$1,705	0.3366	$574
6. TRAINING (31070) 1.5% NEED	$2,557	0.3366	$861
7. PROGRAM SUPPORT (31010)	$21,486	0.3366	$7,233
8. UNSCHED MAINT. (31050)	$17,965	0.3366	$6,047
9. SITE (31060)	$9,670	0.3366	$3,255
10. CUSTODIAL (31020)	$38,767	0.3366	$13,050
11. NON-MAINTAINED BLDGS	$64	0.3366	$22
12. TOTAL (31000)	$170,470	0.6628	$112,982
CHECK	$170,470	CHECK	$112,982

BOX 7A

GSA VEH(O&M FORM)	$1,210
COMM.(O&M FORM)	$554
GUARD(O&M FORM)	$1,236
PEST CONT(O&M FORM)	$1,697
REFUSE(O&M FORM)	$3,080
EXP. EQ.(O&M FORM)	$1,396
WORK SUPV(O&M FORM)	$16,016
ISOLATION(O&M FORM)	$559
TOTAL	$25,748
(−) ED. EFF.(O&M FORM)	$0
(−) FIRE PROT.(5A)	$1,705
(−)TRAINING(6A)	$2,557
GRAND TOTAL	$21,486

BOX 1C

RAD	$5,459
TEL	$913
WATER	$0
PEST	$1,856
BOIL	$1,268
TOTAL	$9,496

BOX 13

12C	$112,982
1C(−)	$9,496
2C(−)	$33,648
3C(−)	$21,364
4C(−)	$17,433
TOTAL	$31,041

BOX 14

5A	$1,705
6A	$2,557
7A	$21,486
8A	$17,965
9A	$9,670
10A	$38,767
11A	$64
TOT	$92,214

PERCENT CALCULATIONS

$$\frac{13\quad 31041}{14\quad 92214} \quad 0.336619168456$$

USE ATTACHED INSTRUCTIONS TO COMPLETE THIS FORM

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ANNUAL WORK PLAN
FTE SCHEDULING
FY 1998

AREA	Navajo
AGENCY	Eastern
LOCATION	Standing Rock

Fill in light shaded portion only.

AWSBUDG1.WK3

FTE from Reports

	Institutional			Quarters	
Catagory	Bldg	Site	Total	Bldg	Grand Tot
E (elec insp)	128	11	139	0	139
I (vis insp)	80	28	108	0	108
M (PM)	380	85	465	0	465
Total	588	124	712	0	712
P (paint)	192	2	194	0	194
C (clean)	2717		2717		2717
G (grounds)		207	207		207

Use the value from the budget calculations to get the real percentage	0.3366
Budgcalc Repairs	185
Ser Calls	260

FTE Scheduling

Catagory	INSTITUTIONAL				QUARTERS			
	NEED		CONSTRAINED		NEED		CONSTRAINED	
	Percent	Hours	Percent	Hours	Percent	Hours	Percent	Hours
Prev Maint	0.4000	712	0.4000	712	0.4000	0	0.4000	0
Repairs	0.1039	185	0.0350	62	0.1500	0	0.0505	0
Ser Calls	0.1461	260	0.0492	88	0.1500	0	0.0505	0
Paint	0.1090	194	0.0367	65	0.1000	0	0.0337	0
Emer/Other	0.2410	429	0.0811	144	0.2000	0	0.0673	0
Total	1.0000	1780	0.6020	1071	1.0000	0	0.6020	0
No. of Pers		1.08		0.65		0.00		0.00

Other FTE Scheduling

	Need		Constrained	
Catagory	Hours	No Pers	Hours	No Pers
Janitorial	2717	1.65	915	0.55
Grnds Keeper	207	0.13	70	0.04
Total	2924	1.77	984	0.60

Reports needed

1. O&M Budget Calculations
2. FMR Institutional
3. FMR Quarters
4. BUDGCALC from TSO

COMPARE BUDGET

EDUCATION ONLY

COMPBUDG WK5

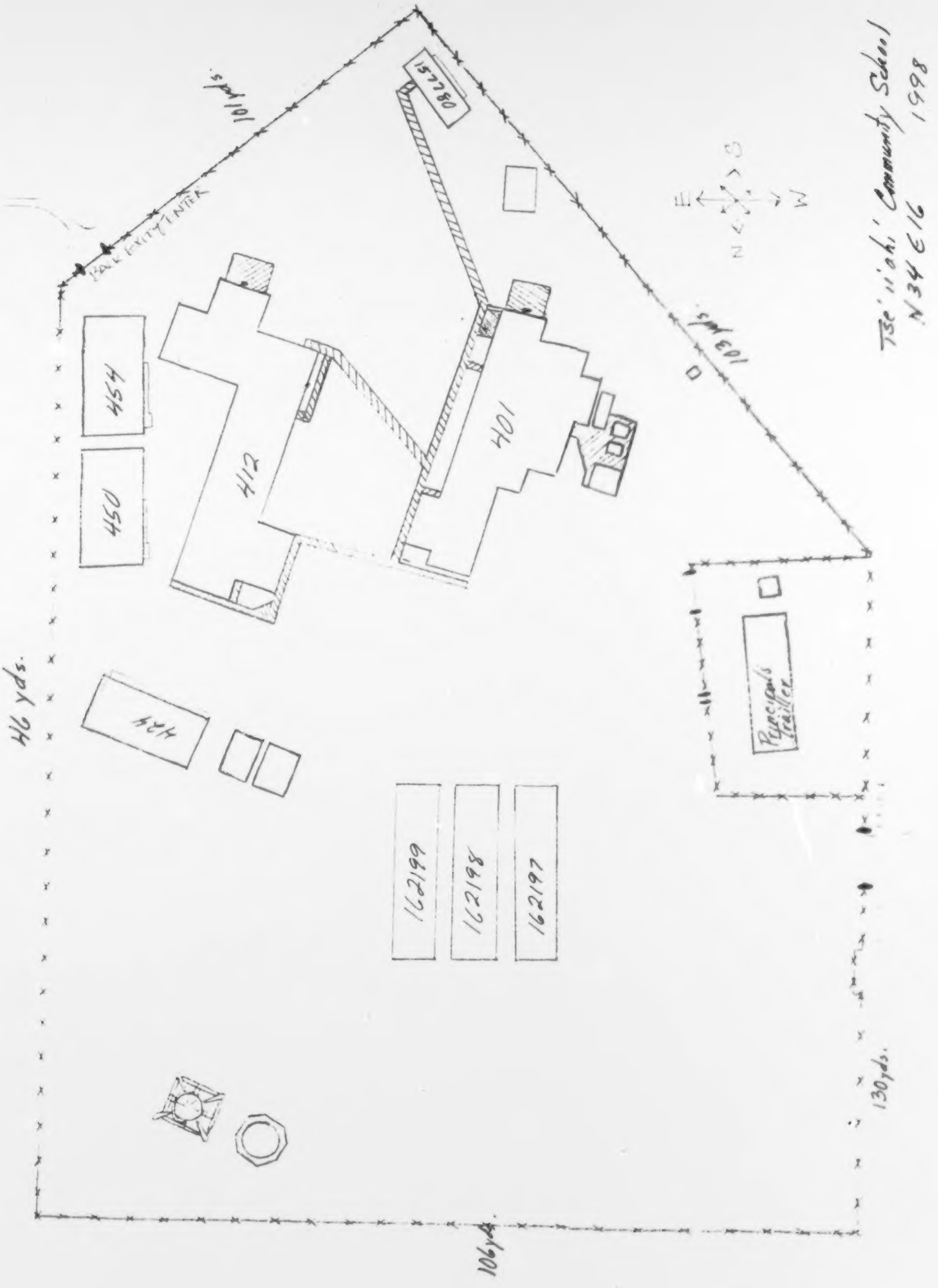
NEED

AG	90	91	92	93	94	95	96	97	98
N32	$3,195,649	$3,467,662	$4,016,580	$4,611,619	$5,303,939	$5,583,950	$6,093,250	$6,360,232	$6,265,448
N33	$4,810,346	$5,389,797	$4,568,664	$5,598,387	$6,592,084	$6,733,302	$7,265,256	$6,932,440	$7,288,320
N34	$5,224,754	$5,953,704	$6,013,993	$6,849,405	$8,484,095	$8,836,907	$9,600,956	$9,742,901	$9,601,867
N35	$3,592,773	$3,937,496	$3,591,207	$4,229,379	$5,315,570	$5,549,211	$6,231,611	$6,685,826	$7,002,291
N36	$3,653,123	$4,027,283	$3,340,532	$4,296,094	$5,047,724	$5,573,206	$6,055,783	$5,987,383	$6,562,126
TOTAL	$20,476,645	$22,775,942	$21,530,976	$25,584,884	$30,743,412	$32,276,576	$35,246,856	$35,708,782	$36,720,052

CONSTRAINED

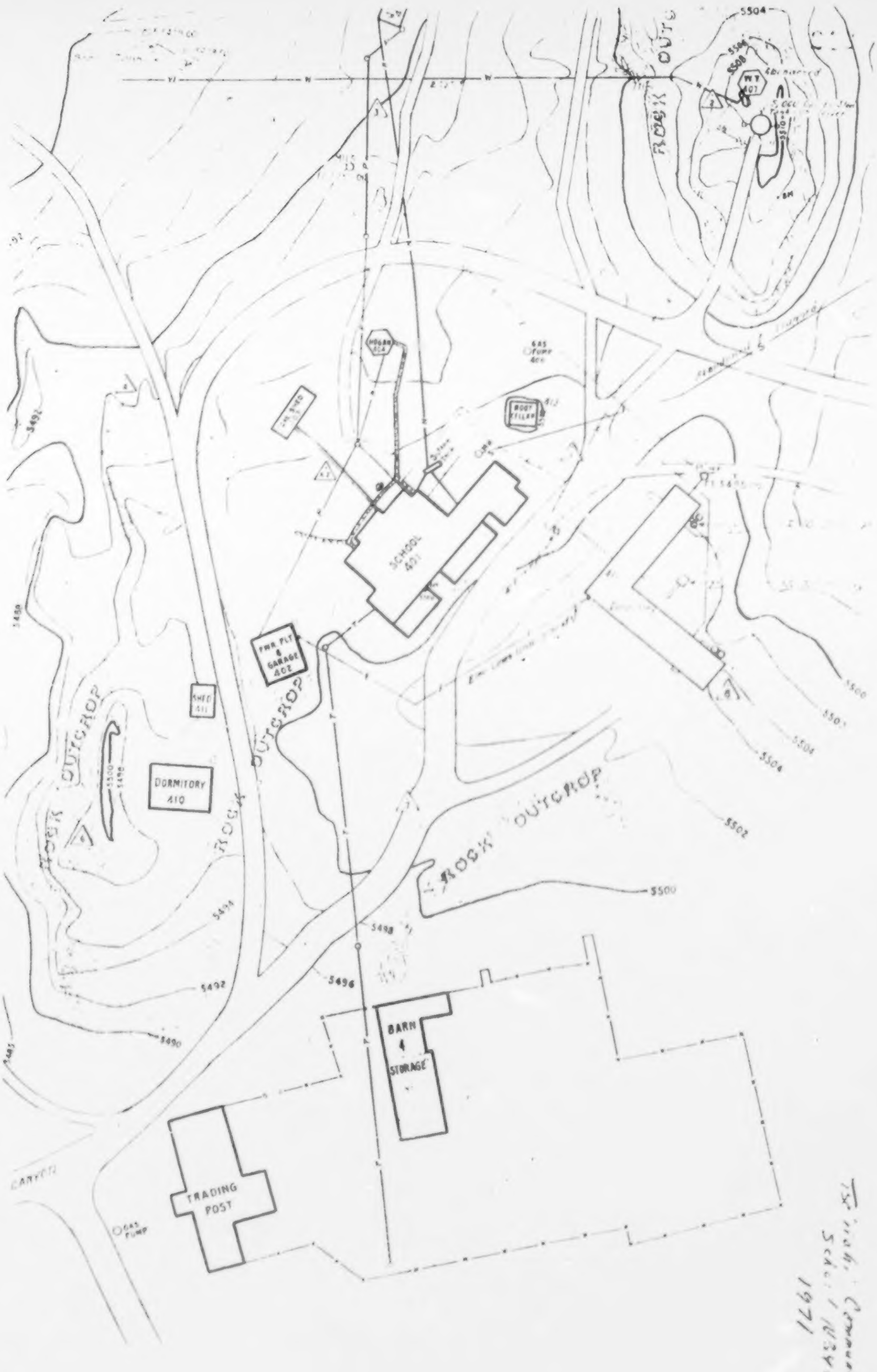
AG	90	91	92	93	94	95	96	97	98
N32	$3,195,649	$3,467,662	$3,800,376	$3,924,928	$4,058,899	$4,065,017	$4,072,784	$4,478,045	$4,152,554
N33	$4,810,346	$5,389,797	$4,322,742	$4,585,916	$4,967,804	$4,904,869	$4,856,164	$4,880,918	$4,830,485
N34	$5,224,754	$5,953,704	$5,690,271	$5,819,143	$6,431,460	$6,437,237	$6,417,366	$6,859,678	$6,363,835
N35	$3,592,773	$3,937,496	$3,397,899	$3,479,070	$4,014,592	$4,040,511	$4,165,267	$4,707,285	$4,640,913
N36	$3,653,123	$4,027,283	$3,160,716	$3,254,993	$3,830,342	$4,059,796	$4,047,741	$4,215,531	$4,349,183
TOTAL	$20,476,645	$22,775,942	$20,372,004	$21,064,050	$23,303,097	$23,507,430	$23,559,322	$25,141,457	$24,336,970

1998 Deficient
$12,383,060



Tse'ii'ahi' Community School
N34 E16
1998

E
S
W
N
101 yds
BACK EXIT/ENTER
157780
454
450
412
401
103 yds
Principal's trailer
416 yds.
424
162199
162198
162197
130 yds.
106 yds.


SCHOOL 401
DORMITORY 410
TRADING POST
BARN & STORAGE
PWR. PLT. & GARAGE 402
SHED 411
HOGAN 404
ROOT CELLAR
GAS PUMP
W.T. 407
ROCK OUTCROP
ROCK OUTCROP
ROCK OUTCROP
ROCK OUTCROP
CANYON
GAS PUMP
5504
5500
5502
5496
5494
5492
5490
5498
5506
5508

Tsinahi Community School / NAV 216
1971

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TSE'II'AHI' COMMUNITY SCHOOL
PARENT INVOLVEMENT SURVEY
1997-98

147 Returned as of 2/2/98

1. How many children do you have at Tse'ii'ahi' Community School? Various

2. What grade/grades are they currently enrolled in? Various

3. If you have other children, what school/schools do they attend? C.C.S. Bdg. Chuska, Twin Lakes, Rehoboth.

4. Why is your child attending Tse'ii'ahi' Community School? Close, Good school.

5. Do you like what your child is learning at school? Yes 139 No 8 Comments:

6. Have you met and talked with your child's teacher? Yes 126 No 21 Comments:

7. Have you met and talked with your child's bus driver? Yes 140 No 7 Comments:

8. Have you met and talked with the principal? Yes 142 No 5 Comments:

9. Have you visited your child's classroom this year? Yes 135 No 12 Comments:

10. Do you review your child's report card and discuss his/her progress with him/her? Yes 141 No 6 Comments:

11. Did you attend the Fall Open House in October and discuss your child's school work with his/her teacher/teachers? Yes 121 No 26 Comments See enclosed - most want more.

12. Do you plan to attend a Spring Open House in April? Yes 147 No 0 Comments:

13. Do you regularly encourage your child/children to do his/her best in school? Yes 145 No 2

14. Do you regularly encourage your child to attend school? Yes 145 No 2

15. Do you reward your child for good school work or regular attendance? Yes 146 No 1 How do you reward him/her? pizza, movie, toy, hug.

16. Do you punish your child for misbehavior at school or on the bus? Yes NO No 7 How do you punish him/her? Time out, talking, spanking, take away things.

17. Does you child have homework? Yes 122 No 25 If yes, do you help him/her? most said yes, if they could.

18. Do you think homework is important for your child? Yes 140 No 7 Why? See answers.

19. Do you or someone in your home ever read with your child? Yes 124 No 23 Comments: We need more books at home.

20. Do you or someone in your home do other educational things with your child? Yes 102 No 45 Comments: See enclosed samples.

21. Have you ever taken a class or attended a workshop on parenting skills? Yes 46 No 101 Comments: most would like one.

22. Would you be interested in borrowing materials on parenting skills from the school? Yes 133 No 14

23. Would you be interested in attending a workshop on parenting skills at the school? Yes 139 No 8

24. Do you feel the Title I Language Arts, Reading and Math assistance program with education assistants in the regular classroom is effective? Yes 141 No 6 Comments

25. Do you feel the Special Education program using both inclusion and a resource room is effective for Tse'ii'ahi' Community School students with special needs? Yes 138 No 8 Comments: Some didn't know about it.

26. Do you feel the Gifted and Talented program for identified students at Tse'ii'ahi' Community School is effective? Yes 116 No 31 Comments Some didn't know about it.

27. Do you feel the Title IX attendance and achievement program at Tse'ii'ahi' Community School is working to encourage your child to attend regularly and do his/her best at school? Yes No Comments:
138 9

28. Do you feel the curriculum at Tse'ii'ahi' Community School is effective in teaching your child? Yes No Comments:
142 5

29. Do you feel the Navajo language and culture sections of the curriculum and instruction are effective? Yes No Comments:
102 45 Some didn't want it at all.

30. Do you feel the library and library services at Tse'ii'ahi' Community School are adequate? Yes No Comments:
62 85 need more books & a librarian -

31. Do you feel the counseling services at Tse'ii'ahi' Community School are adequate? Yes No Comments:
131 16

32. Do you feel the bus services at Tse'ii'ahi' Community School are adequate for your child? Yes No Comments: Lots of praise here
138 9

33. Do you feel the food service program at Tse'ii'ahi' Community School is adequate for your child? Yes No Comments:
122 25 most liked the school

34. Do you feel the school has adequate textbooks, supplies and materials for your child's learning? Yes No Comments:
141 6

35. Do you feel Tse'ii'ahi' Community School has adequate space and facilities for your child's education? Yes No Comments:
7 140 Gym, dinning room, bigger classes & playground

36. Do you like the DARE (Drug/Alcohol Resistance Education) Program is effective for fourth grade students at Tse'ii'ahi' Community School? Yes No Comments:
137 10 Some didn't know.

37. Do you feel the principal is providing adequate administrative services for Tse'ii'ahi' Community School? [✓ Yes] No Comments:
187 10 Good comments.

38. Do you receive and read the Tse'ii'ahi' Community School Wrangler Newsletter? Yes No Comments: most liked it
138 9

39. Does your school board member keep you informed of school progress, activities and problems through your local chapter meeting? Yes No Comments:
8

40. Are you in favor of Tse'ii'ahi' Community School becoming a Grant School in the year 2000? [✓ Yes] [✓ No] Comments:
68 79

41. Would you recommend Tse'ii'ahi' Community School to another parent for their child/children? Yes No Comments
139 8

42. What one thing do you really like about Tse'ii'ahi' Community School?
Academics, bus pick up, reading, effective teaching

43. What one thing do you really not like about Tse'ii'ahi' Community School?
See comments

44. How would you improve Tse'ii'ahi' Community School?
See Comments

45. Additional comments or concerns?
See Comments.

Thank you very much for your assistance in this matter. Please remember to return this form to the school as soon as possible.

1. New Facilities
2. Gym
3. Playground
4. Cafeteria

major concerns listed.

TO'HAJIILEEHEÉ
Cañoncito Band of Navajos
P.O. Box 3398 Cañoncito, New Mexico 87026 Phone: (505) 836-4221

Tony Secatero,
President
Nora J Morris,
Vice President
Geneva J Piaso,
Secretary/Treasurer
Bonnie Chapo,
Council Delegate

January 20, 1998

Honorable Senator Pete V Domenici
328 Hart Senate Office Bldg
Washington, DC 20510

Honorable Senator Domenici

It is indeed an honor again to work with you as we have in the past with your Washington Office We have worked with Mr Joe Trujillo in the past and have provided us with some very important support in our effort to better serve Canoncito We are having some difficulty in trying to re-establish our local BIA office This is still being hindered by the Navajo Area BIA, unfortunately relating to lack of funding Two day services has been provided when their staff are available, however the problem continues with lack of daily services that is necessary to minimize backlogs

Senator, we come to you for help again in hopes that your understanding of Canoncito is still clearly defined by your staff as we have presented in the past We ask that you assist my people for the need as follow

1. **Canoncito (12) Member Council as a recognized body to act on all matters related to services to the Canoncito Band of Navajos. Canoncito people have strongly stated that it is time to move on and to seek recognition as an entity. The strong status as Land Ownership is the key, language, isolation and all relative needs to be recognized are in order in accordance to federal statutes. We have requested the assistance of Congressman Joseph R. Skeen, (R) our Congressional District Representative to secure funding and was provided the necessary information in a formal proposal for our 12 Member Council, Land Commission and Land Office. We ask that you work with Congressman Skeen to help us secure funding for our need. My people "Canoncito Band of Navajos as recognized by the Congressional Act of 1949, USC Sec. 632-634, and Land held in Trust for the Canoncito Band of Navajos" is strongly encouraging itself that it is now time to proceed on for recognition. You will find the resolution that was passed after considerable discussion by the people of Canoncito, as they state "There is no need to struggle, it is time to stand on our own, and be self sufficient." Your support is most vital in achieving this.**

2. Canoncito Band of Navajos in referendum and by vote, have favored the development of Gaming on the Canoncito Band Land as part of the overall economic development strategies and in accordance with the Canoncito Comprehensive Plan. Because of the uniqueness of Canoncito Land Status, it is visualized this development will provide for economic needs in the Canoncito Rio Puerco Valley that is currently under enormous economic development. NM Indy Type Race Truck is in full swing for development with approval to proceed with construction that will provide for an 1-1/2 mile Oval Raceway and 50,000 seating capacity. This is the prime time for Canoncito to develop. We ask that you support our endeavor to this Plan for economic need on an immediate phase in, without the #1 issue that will be long term determination.

Senator Domenici we ask for your sincere help to effectuate our request and to work diligently with your counterpart Congressional Representative for a brighter future of the Canoncito people

Sincerely,

Tony Secatero, President

cc Congressman Joseph Skeen (R)
Senator Jeff Bingaman (D)
Albert Hale, President, Navajo Nation
Elouise Chicharillo, Acting Director, NABIA
Kevin Gover, Assistant Secretary, BIA
Council Delegate Bennie W Chapo
David Johns, Chairman, NN Economic Committee

TO'HAJIILEEHEÉ
Cañoncito Band of Navajos
P.O. Box 3398 Cañoncito, New Mexico 87026 Phone: (505) 836-4221

Tony Secatero,
President
Nora J Morris,
Vice President
Geneva J Piaso,
Secretary/Treasurer
Bennie Chapo,
Council Delegate

RESOLUTION: CBN-98-01-20-157

RESOLUTION OF THE CANONCITO BAND OF NAVAJO INDIANS PETITIONING THE DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, AND THE UNITED STATES CONGRESS TO ESTABLISH TRIBAL RECOGNITION OF THEIR TRADITIONAL TWELVE MEMBER COUNCIL.

WHEREAS:

1 The United States Congress by Congressional Act of August 13, 1949, Chapter 425, Section 1-2, 63 STAT 604, as codified in the USC 25 (also known s the Canoncito Trust Act), set aside certain lands for the Canoncito Band of Navajos (Canoncito Group) for their exclusive use and benefit, and

2 The United States Congress provided Indian Tribes, Bands, Pueblos, Missions, and Rancheros the necessary governing authority and instrument to protect, manage, and administer the real property set aside by the Congressional Act and as land owners and beneficiaries of the Act, the Canoncito Band of Navajo Indians has yet to enjoy the Congressional mandate, and

3 The Navajo Area Director of the Bureau of Indian Affairs rendered a policy decision of March 1, 1989, recognizing the authority of the Canoncito Band of Navajo Indians over Canoncito lands held in trust for them by the United States Government while denying any authority of the Navajo Nation over the same lands (EXHIBIT A), and

4 Solicitor John D Leshy of the United States Department of Interior rendered an opinion on November 1, 1994, that the representative of the "Canoncito Group" (Canoncito Band of Navajo Indians) to be the proper authorized body to deal directly with the Department of Interior (EXHIBIT B), and

5 The Canoncito Twelve Member Council that has existed time immemorial was reconfirmed on July 12, 1982, to act as the governmental authority for the Canoncito Band of Navajo Indians (EXHIBIT C) and under such authority, the Twelve Member Council authorized 1) a study which found and clearly defined Canoncito's prime position to petition for governmental authority through the Federal Acknowledgment process (EXHIBIT D), 2) the request for Federal Acknowledgment to the Office of Federal

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RESOLUTION: CBN-98-01-20-157
Page Two

Acknowledgment, Washington, DC (EXHIBIT E), and 3) a supplemental study which further clarified the status of the Canoncito Band of Navajo Indians (EXHIBIT F), and

6 On January 30, 1997, the Canoncito Band of Navajo Indians adopted Resolution CBN 97-01-20-028 (EXHIBIT G) approving and authorizing the use of The Comprehensive Strategic Planning for all phases of development from federal, state, Navajo Nation and private sector as a tool for long range development which includes the intent to seek governmental authority for self government and creating a government-to-government relationship with the Federal government, and

7. On July 29, 1997, the Canoncito Band of Navajo Indians submitted a proposal to the Navajo Area Office of the Bureau of Indian Affairs to fund the Twelve Member Council, Land Commission, and Land Office as part of the Trust services which received a negative response blaming lack of funds to support the plan and a similar plan was submitted to the Land Administration of the Navajo Nation which has not yielded any type of response to date (EXHIBIT H).

NOW THEREFORE BE IT RESOVED THAT:

1. The Canoncito Band of Navajo Indians petitions the Department of Interior, Bureau of Indian Affairs, and the United States Congress to establish tribal recognition of the Canoncito Band of Navajo Indians and their traditional Twelve Member Council

CERTIFICATION

WE HEREBY CERTIFY THAT THE FOREGOING RESOULTION was duly discussed and considered at a duly called special meeting by the Canoncito Band of Navajos at Canoncito, New Mexico at which a quorum was present and that same was passed by a vote of 45 in favor, 00 opposed, 00 abstained this **20th** day of **January, 1998**.

Authorized to sign on behalf of the Canoncito Band of Navajo.

Tony Secatero, Presiding Pro-temp

Bennie W. Chapo, Council Delegate

Geneva Piaso

Geneva J. Piaso, Secretary/Treasurer

Nora J. Morris, Vice-President

TO'HAJIILEEHEÉ
Cañoncito Band of Navajos
P.O. Box 3398 Cañoncito, New Mexico 87026 Phone: (505) 836-4221

Tony Secatero,
President
Nora J. Morris,
Vice President
Geneva J. Piaso,
Secretary/Treasurer
Bennie Chapo,
Council Delegate

RESOLUTION: CBN-98-01-09-155

RESOLUTION OF THE CANONCITO BAND OF NAVAJO INDIANS REQUESTING THE NAVAJO NATION ECONOMIC COMMITTEE, AND THE NAVAJO NATION COUNCIL TO SUPPORT AND ENDORSE THE GAMING AND ECONOMIC DEVELOPMENT PROPOSAL ON THE CANONCITO BAND LAND AND TO ENCOURAGE THE BUREAU OF INDIAN AFFAIRS TO PROVIDE FOR DUE PROCESS:

WHEREAS:

1 The Congressional Act of August 13, 1949, Chapter 425, Section 1-2 63, State 604, as codified in the USC 25 set aside certain lands for the Canoncito Band of Navajos (Canoncito Group) for their use and benefit and per Navajo Area Director's policy decision of March 1, 1989, which recognized their authority over these lands held in trust for them, and

2 The United States Department of Interior Solicitor John D. Leshy's opinion of November 1, 1994 and other department policies, it has been determined that the proper representative to directly deal with the Interior Department are the authorized representative of the Canoncito Group as determined by the Commissioner, and

3. The long range goals and comprehensive economic plans were developed by the Canoncito Band of Navajos Indians and adopted on January 20, 1997 to begin first phase planning toward Gaming, Truck Plaza, Mini Mall, Arts and Crafts, Hotel as part of economic development, and

4 The Canoncito Band of Navajo's goal is to create a Gaming and Economic Development Proposal that will enhance economic growth and to insure that all legal, jurisdictional, gaming issues, and ordinances are formulated in accordance to the Indian Gaming Regulatory Act on the Canoncito Band Land and to identify potential Investor's in this endeavor, and

5 Canoncito Band of Navajos in the recent Navajo Nation Gaming referendum voted in favor of Gaming and wishes to proceed on with its development plan with or without the support of the Navajo Nation, and that the Canoncito Band of Navajos have establishing a Gaming and Economic Commission to begin first phase planning efforts as designated by the Canoncito Band of Navajos Indians

RESOLUTION: CBN-98-01-09-155
Page Two

NOW THEREFORE BE IT RESOLVED THAT:

1. Because Canoncito's status as landowner, it is vitally necessary that to bring land use activities under control and to begin planning for orderly growth and development while protecting and conserving the Band's natural resources. The Comprehensive Strategic Plan (Resolution-CBN-97-01-20-028) must be implemented for the benefit of the Band and their struggle to improve their quality of life, and

2. Canoncito Band of Navajos Indian has authority over lands held in Trust for their exclusive use and benefits and thereof requested the Secretary of the Department of Interior or his authorized representative to utilize the Federal Trust Responsibility to approved the Canoncito Gaming Proposal to conduct Class II and Class III gaming operation on Canoncito Band Lands under Canoncito Band Authority, per said opinion of November 01, 1994 which directed the Canoncito Band to deal with the National Indian Gaming Commission base in Washington, DC and

4. Pursuant to "The Indian Gaming Regulatory Act", gaming activities are reserved for federally recognized Indian Tribe. A letter to President Albert Hale from Acting Director, Navajo Area BIA December 31, 1997 stated "Therefore, it is the Bureau's position that any gaming activities for Canoncito would have to be approved and agreement negotiated by the Navajo Nation" this clarification has never been resolved for the Canoncito Band of Navajos Indian a define by Congressional Act of 1949 by the Bureau of Indian Affairs, and

5. Canoncito Band of Navajos because of its uniqueness and a distinction as landowners strongly supports the Gaming Proposal and requests the support of the Navajo Nation Economic Development Committee, Navajo Nation Council, to encourage the Department of Interior, Bureau of Indian Affairs to effectuate this endeavor for economic development as part of a Comprehensive Plan.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Canoncito Band of Navajos at a duly called Special meeting at Canoncito, (New Mexico), at which a quorum was present and that the same was passed by a vote of **27** in favor, **00** opposed, and **02** abstained, this **9th** day of **January, 1998**.

Authorized to sign on behalf of the Canoncito Band of Navajos

Tony Secatero, President

Bennie W. Chapo, Council Delegate

Nora Morris

Nora J. Morris, Vice-President

Geneva Piaso

Geneva J. Piaso, Secretary/Treasurer

WESBOE-98-003

RESOLUTION OF THE WINGATE ELEMENTARY SCHOOL BOARD OF EDUCATION

RECOMMENDING TO THE NAVAJO AREA SCHOOL BOARD ASSOCIATION (NASBA) THROUGH THE EASTERN NAVAJO SCHOOL BOARD OF EDUCATION (ENABOE) TO SUPPORT WITH WRITTEN APPROVALS TO NAVAJO AND NATIONAL EDUCATIONAL ISSUES FACING LOCAL AND NATIONAL SCHOOL BOARD MEMBERS THAT WHEN NEATLY ADDRESSED WILL INCREASED EDUCATIONAL KNOWLEDGE OF ALL EDUCATIONAL CONCERNED INDIVIDUALS INVOLVED WITH LOCAL AND NATIONAL LEVEL STUDENTS.

1. The Wingate Elementary School Board of Education is established through Public Law 95-561 with authority to govern the Bureau of Indian Affairs operated school within the Office of Indian Education Programs; and

2. The Wingate Elementary School Board of Education is a member to the Eastern Navajo Agency School Board of Education including full membership in good standing with the Navajo Area School Board Association (NASBA), whose membership through Executive Board provides leadership on certain educational matters locally and nationally; and

3. The Navajo Area School Board Association (NASBA) is fully and duly recognized Education Association through Navajo Nation Code, Title II, that legally established NASBA as the only educational organization fully recognized organizations to address Navajo education matters locally and nationally; and

4. The Navajo Area School Board Association (NASBA) has established local educational priorities based on needs assessment on several identified educational issues through certain matters subject to compoundly scrutized; and

5. The Wingate Elementary School Board of Education has been involved with following problematic educational issues and is much aware of the Navajo Area School Board Association Plans to address at the designated Washington Impact Week, March 9-13, 1998 to a conference to take care of locally identified educational matters; and

6. The Wingate Elementary School Board of Education has agreed with the problematic identified areas that need appropriate local School Board Membership involvement as the Navajo Area School Board Association (NASBA) has planned to openly address upon being in the funding source area; and

7. The Wingate Elementary School Board of Education Membership has actively involved itself to provide needed guidance to seek and secure active involvement and successful conclusion with providing needed documentations; and

8. The Wingate Elementary School Board of Education fully believes in seeing the support resolutions would definitely provide needed documentation the benefit of doubt in making the conference and visitation as will hear meaningful educational first.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Wingate Elementary School Board of Education, hereby strongly recommends to the Navajo Area School Board Association (NASBA) through the Eastern Navajo Agency School Board of Education to support with resolution to Navajo Nation Government, Office of Indian Education Programs, and United States Congress these National Educational issues facing local and National School Board membership that upon neatly addressed will increased educational knowledge of all educational concerned individuals; and

2. The Wingate Elementary School Board of Education, further, recommended (attached) document identified issues received such Association endorsement; and

3. Further that this resolution focuses on the following: (a). Goals 2000; (b). ISEP Funding; (c). School Construction; (d). Displacement Funds. This is not a complete listing, only portion of the complete concerns are address by this resolution.

CERTIFICATION

It is hereby certified that the foregoing resolution was duly considered at a duly called meeting with a quorum present, the same was passed by vote 4 in favor and none opposed, this 10th day of February 1998 at Wingate Elementary School, Ft. Wingate, New Mexico.

Raphael Martin, President
Wingate Elementary School Board
of Education

Executive Summary

1.0 Introduction

1.1. Project Goals and Objective

Section 315 of Goals 2000: Educate America Act (Public Law [PL] 103-227) as amended by the Improving America's Schools Act of 1994 (PL 103-382) authorized 1) an analysis of the costs of meeting the academic, home-living, and residential standards for each school funded by the Bureau of Indian Affairs (BIA), 2) an assessment of the feasibility and desirability of changing the method of financing these schools from the weighted student unit (WSU) formula method to an alternative system, and 3) an assessment of the feasibility of contracting with a private management firm for the operation of one or more schools currently operated by the BIA. This report presents the results of the mandated study.

1.2. Background

1.2.2. The BIA Educational System. In 1996, the BIA funded 187 elementary, secondary, and boarding schools located on 63 Reservations in 23 states. In addition, the BIA funded 14 peripheral dormitories on Reservations for Indian students attending public schools, 7 off-Reservation boarding schools, and 26 community colleges.

In 1996, over 47 thousand students were enrolled in BIA-funded schools and student enrollment has increased at the rate of more than 5 percent per year since 1989. Funding per WSU, unadjusted for inflation, has generally increased each year from $2,537 in 1989 to $2,904 in 1996.

1.2.3. Current Funding Mechanisms. In accordance with the Education Amendments Act of 1978 (PL 95-561), as amended, the BIA developed the Indian student equalization program (ISEP). ISEP is similar to equalization formulas used by many states in which funds are allocated to each school based on enrollment levels. Additional funds are allocated to schools by assigning weights to certain students based on individual needs and the costs of providing residential, special education, language, and other services. ISEP funds are intended to cover the basic costs of educating students such as teacher salaries and classroom materials. In addition to ISEP funding, BIA schools receive additional funding for student transportation, facilities maintenance and for programs funded by the Department of Education including Title I, Safe and Drug Free Schools, and Bilingual Education.

2.3. Feasibility of "Contracting out" BIA-Operated Schools

The feasibility of contracting out to private sector organizations the operation of schools currently operated by the BIA was assessed by examining the results of similar efforts in the public schools and by a mail survey of BIA Education Line Officers and other key informants.

3.0 Analysis of Expenditures of BIA-Funded Schools

3.1. Aggregate Expenditures in BIA-Funded Schools

In school year (SY) 1995-96, the total expenditures of BIA funded schools was $403.5 million with 91 percent ($366.3 million) funded by the BIA and 9 percent ($37.3 million) funded by the Department of Education. Of the funds provided by the BIA, ISEP provides far more (69%) than any other program. Detailed expenditure data are available only for BIA-operated schools.

3.2. Per-Pupil Expenditures

Annual per pupil expenditures are a basic measure of the amount of money invested in each child's education program. The per pupil expenditures are presented in two ways—by average daily membership (ADM) and by WSUs (which take into account special student needs). In SY 1995-96, ISEP expenditures averaged $5,400 per pupil using ADM. ISEP expenditures were $2,974 per WSU.

Analyses of total expenditures revealed:

- Tribally-operated schools ($5,419) had higher expenditures per WSU than BIA-operated schools ($4,124);
- Day schools ($5,144) expenditures per WSU were higher than Residential schools ($4,434);
- There was considerable variation in expenditures per WSU across schools with schools in the 95th percentile spending between $664 and $1,203 more per WSU than schools in the 5th percentile of spending. This variation in per WSU spending merits further study.

If funding were provided to bring the BIA-funded schools into compliance with their academic standards, have funding "catch up" with inflation, or to achieve equivalence with NAPPE, the level of ISEP funding would be $301 - $317 million for SY 1997-98, $319 - $342 million for 1998-99, and $337 - $369 million for 1999-2000, depending on increases in student enrollment and the rate of inflation. The computed funding levels do not take into account the amounts needed to acquire technology needed to connect BIA-funded schools to the Internet, to implement distance learning, or computer-assisted instruction.

5.0. Feasibility of Contracting out Operation of BIA Schools

5.1. Experience of Public Schools

"Contracting out" the operation of public schools has been attempted in a few communities with mixed results. Often there has been strong opposition to "privatization" of public schools expressed by groups of parents, teachers, labor unions and other groups.

5.2. Survey of BIA School Line Officers

A mail survey of BIA School Line Officers and other key informants revealed a strongly-felt repudiation of contracting out the operation of schools currently operated by the BIA, even on an experimental basis. The reasons most often given for rejecting contracting out involved Indian self-determination and the federal government's treaty-based responsibilities for Indian education. These results indicate that any experiments in contracting out the operation of BIA schools must have clear and firm support by the affected tribe(s).

6.0. Specifications for Contractors

Specifications for private contractors operating or proposing to operate BIA schools were developed based on similar efforts by public schools and the BIA academic standards in 25 CFR Part 36. While current academic standards are outcome-based, the older standards have explicit requirements that may be useful in specifying contract requirements.

SUMMARY OF SCHOOL FUNDING

ISEP - The basic funding source for schools; distributed directly to schools for operation of education programs. Restrictions found in 25 CFR Part 39

Facilities Management - Funds for operation and maintenance of schools; distributed to Agency for operation of facilities, redistributed by Agency to schools after funding such items as utilities, well crew, radios and pest control.

Goals 2000-Related Funds:

Title I - Compensatory education funds. The basic supplemental funding for education programs. Part of Goals 2000 and school-wide projects. Half of funds held until Goals 2000 project/amendment is submitted and approved.

Title II - Professional development in math and science. Funding for specialized training in math and science for existing teachers. Most funding is held by Central Office for centralized training; occasionally some small amount is available at the school. If distributed, part of Goals 2000 project/amendment.

Title III - Technology literacy challenge grant. Competitive funding from Department of Education. Only Wingate High School has received funding under this title.

Title IV - Drug-free schools money. Some money retained at Central Office, some distributed to schools. Part of Goals 2000 project/amendment.

Title VII - bilingual education money. Competitive, received by very few schools directly from Department of Education. If received, project request becomes part of Goals 2000 project/amendment.

Title IX - Indian Education money. Received directly by schools from Department of Education for special Indian education activities (cultural enrichment, liaisons, etc.). Amounts are very small. Part of Goals 2000 project/amendment.

To'hajillee Community School has received a school-to-work grant, but details are not yet available.

1997-98 School Budget for Wingate Elementary School

30000 ISEP School Operation -		$5,649,900
Personnel	$4,495,744	
Contract	$372,205	
Transportation	$33,400	
Telephone	$6,000	
Travel	$12,000	
Supplies,materials and equipment	$730,551	
30200 Transportation		$51,600
30500 Early Childhood Development		$225,000
Personnel	$183,000	
Transportation	$15,000	
Training	$3,000	
Travel	$7,000	
Supplies,materials and equipment	$16,944	
97200 Title IX		$75,818
Personnel	$51,428	
Transportation	$10,000	
Contract SVC	$3,836	
PAC	$3,359	
Supplies,materials and equipment	$3,359	
97720 Goals 2000		$80,000
Personnel	$10,500	
Contract SVC	$20,000	
Transportation	$5,000	
Travel	$5,000	
Supplies,materials	$17,500	
Equipment	$22,000	
97900 Title I		$618,200
Personnel	$532,823	
Contract SVC	$21,000	
Travel	$15,000	
Health	$10,000	
PAC	$5,000	
CAU	$2,000	
Supplies,materials	$16,716	
Equipment	$15,661	

97900 Title II (ProfDev)		$14,000
Contract SVC	$4,834	
Supplies,materials	$4,833	
Equipment	$4,833	
97900 Title IV (Drug Free)		$55,300
Personnel	$40,000	
Supplies,materials	$7,650	
Equipment	$7,650	
31000 Facilities O&M		$672,157
Personnel	$373,551	
Contract	$232,427	
Supplies & materials	$66,179	
3E120 Facilities O&M (Emergency)		$13,000
Reimbursement		$250,000
Grand Total Amount		$7,704,975

2000-2001 School Budget for Wingate Elementary School

30000 ISEP School Operation -		$10,074,353
Estimated Displacement Cost	$2,600,000	
Estimated Administrative Cost Grant	$1,200,000	
Personnel	$5,051,802	
Contract	$400,000	
Transportation	$60,000	
Telephone	$12,000	
Postage Fee	$8,000	
Travel	$12,000	
Supplies,materials & Equipment	$730,551	
30200 Transportation		$65,000
30500 Early Childhood Development		$240,750
Personnel	$195,810	
Transportation	$15,000	
Training	$3,000	
Travel	$7,000	
Supplies,materials and equipment	$19,940	
97200 Title IX		$81,125
Personnel	$55,028	
Transportation	$10,000	
Contract SVC	$3,836	
PAC	$3,359	
Supplies,materials and equipment	$8,902	
97720 Goals 2000		$100,000
Personnel	$30,500	
Contract SVC	$20,000	
Transportation	$5,000	
Travel	$5,000	
Supplies,materials and equipment	$39,500	

97900 Title I		$661,474
Personnel	$570,121	
Contract SVC	$21,000	
Travel	$15,000	
Health	$10,000	
PAC	$7,000	
Supplies,materials & equipment	$38,353	
97900 Title II (ProfDev.)		$15,500
Contract SVC	$4,834	
Supplies,materials and equipment	$10,666	
97900 Title IV (Drug Free)		$59,171
Personnel	$42,800	
Supplies,materials and equipment	$16,371	
31000 Facilities O&M		$822,259
Personnel	$399,700	
Contract	$335,478	
Supplies and materials	$87,081	
3E120 Facilities O&M (Emergency)		$15,000
Reimbursement		$280,000
Grand Total Amount		$12,414,632

NAVAJO AREA SCHOOL BOARD ASSOCIATION (NASBA)
Meeting with the Assistant Secretary for Indian Affairs
February 23, 1998

The Navajo Area School Board Association (NASBA) is appreciative of the opportunity to meet with the Assistant Secretary for Indian Affairs regarding the FY 1999 budget as it relates to the Bureau of Indian Affairs (BIA) education system. NASBA is an association of tribally elected local school boards, officially sanctioned by the Navajo Nation Council in 1974 to serve the needs and support the actions of its member boards. NASBA has been in continuous operation since 1974 and has played an important role through the years in the reform of the system and the implementation of local control of BIA education through the empowerment of local school boards. NASBA has also played a key role in education planning within the Navajo Nation.

In reviewing the President's proposed FY 1999 budget, we are pleased that the administration has shown a clear commitment toward addressing some of the long-standing problems which have plagued the system. With some minor reservations, we strongly support the budget as proposed and in this statement will point out the positive items that we see as well as the areas where problems still appear to exist.

1) SCHOOL FACILITIES - NASBA supports the FY 99 budget with regard to New School Construction and Facilities Improvement and Repair (FI &R). This budget demonstrates a clear commitment to deal with the severe problems associated with the school system's infrastructure. Ten years ago, we remember when the BIA facilities "backlog" for outstanding repairs was identified as $600,000,000. In the 1998 budget, the backlog is identified as approximately $890,000,000. It is clear that the dollars which have appropriated in the ensuing years have not met the need and that deterioration is occurring at a more rapid pace than repairs. What is needed here is a sustained commitment in these two line items over several years at the level of funding proposed in FY 1999 budget.

All is not well, however, with the facilities budget. Every year, the *American School and University (AS & U)* magazine reports on facilities maintenance and operations funding throughout the public school systems in the country. Its April, 1997 report begins with this quote:

> "No one will argue that decades of deferred maintenance and budget cuts are major reasons why so many of America's school facilities are in deplorable condition. Overall, school maintenance and operations (M&O) budgets have been on a downward trend for quite some time, helping contribute to the current education infrastructure crisis."

What is true for the country as a whole is, you guessed it, doubly true for the BIA and is not corrected in the proposed 1999 budget. The education Facilities O & M budget is increased only slightly and is inadequate to even provide for the increase in square footage in the system, much less address the long-standing deficiency in O & M funding. At current funding levels, the condition of school facilities will continue to deteriorate even as new schools are built and renovations and repairs are made.

A comparison of public school O & M costs as identified in the AS & U magazine reveals that the funding is roughly the same for the BIA as several regions of the country on a square footage basis. However, it must be remembered that BIA facilities personnel are "wage-grade" employees and, as such, are generally paid substantially more than facilities workers in the public schools. Additionally, much of the BIA system consists of small, isolated schools which cannot achieve the economy of scale with its facilities program that large urban school systems enjoy. *It would be very useful to do an analysis of BIA O & M costs compared to similarly situated public schools. NASBA plans to undertake such a study during the course of this year and will supply the Committee with the results.*

4) EDUCATION -AREA/AGENCY TECHNICAL SUPPORT AND TRIBAL DEPARTMENTS OF EDUCATION - NASBA continues to support the current funding formula for "Element 10" funds for these education administration\program line offices with one revision. This formula reduces funding available for line offices when schools move from BIA operated to grant status. While this makes sense in that the work required of the line office is reduced, we support a change which permits such savings, at least when occurring on Navajo, to be contracted by the Navajo Tribe. Currently, the formula is run anew each year and funds would be lost to the Navajo Area when additional schools transfer to grant status.

When schools make this change on Navajo, there is an increased role for the tribe since the tribe is in the process of implementing a tribal school system. This is not generally the case in other tribal locations. The authorization for tribal departments of education in P.L. 100-297 has never produced additional funding for Navajo but this proposed change would at least provide a small amount of funds in recognition of the additional functions assumed by the tribe. NASBA has taken a lead role in the grass roots effort to develop tribal schools. Without a strong tribal presence, this development leads to fragmentation of support services, curriculum, and policy development. A great deal of this development which should be staying within the Navajo Nation is benefiting off-reservation sources. *We would be happy to provide additional information on this subject upon request. NASBA also continues to support funding for tribal departments of education. The Navajo Nation has adopted tribal standards for education and implementation resources from the Tribe continue to be very limited.*

5) CONTRACT SUPPORT FUNDING - NASBA strongly supports the increases identified in the President's budget request. As a '638 contractor, NASBA is heavily dependent on adequate contract support funding. The reductions over the past couple of years have been very difficult to live with. For us and several others where the great majority of funding comes from the Federal government, this is a survival issue. *NASBA is very concerned that settlement of the "Ramah two" lawsuit could have an adverse affect on contract support funding for contractors such as NASBA.*

For additional information regarding these matter contact the director, Angela Barney-Nez at 520-871-5225 or our consultant, Verner V. Duus at 301- 292-2744 if you have any questions or comments concerning this position statement.

FACILITIES OPERATIONS AND MAINTENANCE FUNDING COMPARISON

NEED

FY	90	91	92	93	94	95	96	97	98
Shiprock	3,195,649	3,467,662	4,016,580	4,611,619	5,303,939	5,583,950	6,093,250	6,360,232	6,265,448
Western Navajo	4,810,346	5,389,797	4,568,664	5,598,387	6,592,084	6,733,302	7,265,256	6,932,440	7,288,320
Eastern Navajo	5,224,754	5,953,704	6,013,993	6,849,405	8,484,095	8,836,907	9,600,956	9,742,901	9,601,867
Chinle	3,592,773	3,937,496	3,591,207	4,229,379	5,315,570	5,549,211	6,231,611	6,685,826	7,002,291
Ft. Defiance	3,653,123	4,027,283	3,340,532	4,296,094	5,047,724	5,573,206	6,055,783	5,987,383	6,562,126
	20,476,645	22,775,942	21,530,976	25,584,884	30,743,412	32,276,576	35,246,856	35,708,782	36,720,052

CONSTRAINED

FY	90	91	92	93	94	95	96	97	98
Shiprock	3,195,649	3,467,662	3,800,376	3,924,928	4,058,899	4,065,017	4,072,784	4,478,045	4,152,554
Western Navajo	4,810,346	5,389,797	4,322,742	4,585,916	4,967,804	4,904,869	4,856,164	4,880,918	4,830,485
Eastern Navajo	5,224,754	5,953,704	5,690,271	5,819,143	6,431,460	6,437,237	6,417,366	6,859,678	6,363,835
Chinle	3,592,773	3,937,496	3,397,899	3,479,070	4,014,592	4,040,511	4,165,267	4,707,285	4,640,913
Ft. Defiance	3,653,123	4,027,283	3,160,716	3,254,993	3,830,342	4,059,796	4,047,741	4,215,531	4,349,183
	20,476,645	22,775,942	20,372,004	21,064,050	23,303,097	23,507,430	23,559,322	25,141,457	24,336,970
Per Cent of Need	100.00%	100.00%	94.62%	82.33%	75.80%	72.83%	66.84%	70.41%	66.28%

NAVAJO AREA SCHOOL BOARD ASSOCIATION

BIA Schools Converting to P.L.100-297 Grant Status

Developed at the NASBA Grant School Conference
November 22, 1996
Revised 2/28/97 10:08 AM

July 1, 1997	Administrative Costs	Grants
1. Nazlini School	$ 295,651	Chinle
2. Chuska School	$ 768,804	Ft. Def.
3. Chilchinbeto School	$ 255,418	WNA
4. Lukachukai School	$ 564,120	Chinle
5. Aztec Dorm	$ 183,542	Shiprock
6. Mariano Lake School	$ 427,249	ENA
7. Wide Ruins School	$ 454,255	Ft. Def.
8. Holbrook Dorm	$ 260,840	Ft. Def.
9. Kayenta Boarding School	$ 625,525	WNA
10. Navajo Mountain	$ 303,860	WNA
TOTAL FY 1997	$4,139,264	

Note: As of 2/24/97, the schools listed above have received full authorization to convert to P.L. 100-297 Grant status by the Education Committee and the Intergovernmental Relations Committee of the Navajo Nation Council.

July 1, 1998		
11. Cottonwood School	$ 354,180	Chinle
12. Winslow Dorm	$ 245,062	Ft. Def.
13. Kinlichee School	$ 323,268	Ft. Def.
14. Torreon School	$ 490,569	ENA
15. Dilcon School	$ 615,726	Ft. Def.
16. Chinle Boarding School	$ 734,404	Chinle
17. Low Mountain School	$ 383,163	Ft. Def.
18. Crownpoint	$ 733,082	ENA

Post-it® Fax Note 7671	Date 2/23	# of pages ▸ 3
To Angela Barney Nez	From Isabell	
Co./Dept. Washington Ofc	Co. NASBA	
Phone #	Phone #	
Fax #	Fax #	

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July 1, 1999 (Continued)

19. Dennehotso School	$ 482,988
20. Many Farms High School	$ 633,684
21. Huerfano Dorm	$ 264,705
22. Tse'ii´ahi School	$ 276,823
TOTAL FY 1998	$5,537,654

Others Pending :

23. Aneth Community School	$ 441,322
24. Beclabito School	$ 226,836
25. Cove Day School	$ 209,887
26. Nenahnezad School	$ 486,775
27. Red Rock Day School	$ 341,651
28. TeecNosPos School	$ 615,332
29. Toadlena Brdg. School	$ 487,996
30. Kaibeto School	$ 598,043
31. Red Lake Day School	$ 407,666
32. Rocky Ridge School	$ 354,433
33. Tuba City Boarding School	$ 989,613
34. Baca Community School	$ 284,280
35. Bread Springs School	$ 261,660
36. Chichilta[illegible]Jones Ranch	$ 450,846
37. Lake Valley Navajo School	$ 295,413
38. Ojo Encino School	$ 339,328
39. Pueblo Pintado School	$ 512,340
40. DloAyazhi Comm. School	$ 354,280
41. Wingate High School	$1,027,498
42. Crystal Boarding School	$ 330,632
43. Hunters Point School	$ 316,129
44. Seba Dalkai School	$ 324,815
45. Dzithnaodithtle School	$ 538,159
46 Sanostee School	$ 238,357
47 Wingate Elementary	$ 894,517
48. To'hajiileehe Comm. School	$ 511,762
49. Pine Springs Comm. School	$ 217,128
TOTAL FY 1999	$12,056,698

Displacement Cost for Ten (10) BIA Schools Going Grant 7/01/97

Submitted by the Navajo Area School Board Association
March 4, 1997

The following displacement costs were compiled with the cooperation of the BIA-OIEP Superintendents for Education and Principals. These costs are severance pay, annual leave lump sum payments and fringe benefits for the ten (10) Bureau of Indian Affairs operated schools going under a P.L. 100-297 grant effective July 01, 1997.

CHINLE AGENCY:		Displacement Cost:	Grand Total:
Lukachukai:	Severance Pay	$ 441,647	
	Fringe Benefit	35,593	
	Annual Leave	18,866	
	TOTAL:	$ 496,106	$ 496,106
Nazlini	Severance Pay	$1,013,611	
	Fringe Benefits	82,888	
	Annual Leave	$ 60,066	
	TOTAL:	$1,156,565	$1,652,671
EASTERN NAVAJO AGENCY:			
Mariano Lake	Severance Pay	$ 309,645	
	Annual Leave	31,998	
	TOTAL:	$ 341,643	$1,994,314
FORT DEFIANCE AGENCY:			
Chuska	Severance Pay (combined)	$1,439,341	
Holbrook	Severance Pay (combined)	$ 89,543	
Wide Ruins	Severance Pay (combined)	$ 395,404	
	TOTAL:	$1,924,288	$3,918,602
SHIPROCK AGENCY:			
Aztec Dorm	Severance Pay	$ 74,552	
	Annual Leave	7,112	
	Fringe Benefits	$ 5,965	
	TOTAL:	$ 87,629	$4,006,231
WESTERN NAVAJO AGENCY:			
Kayenta	Severance Pay (combined)	$1,234,869	
Navajo Mountain	Severance Pay (combined)	$ 204,010	
Chilchinbeto	Severance Pay (combined)	$ 267,280	
	TOTAL:	$1,706,159	$5,712,390
	GRAND TOTAL:		**$5,712,390**

NOTE: Figures on the Aztec Dorm is subject to change.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF INDIAN EDUCATION PROGRAMS
EASTERN NAVAJO AGENCY
P.O. BOX 328
CROWNPOINT, NEW MEXICO 87313

IN REPLY REFER TO:
4380-EDUCATION

February 27, 1998

To: Calvin Tsosie

From: Carol Baker, Asst. Superintendent for Education

Subject: Budget Information for Wingate Elementary School

FY 98 Operating Funds

ISEP	$5,649,900	
Transportation	51,600	
USDA Reimbursement	250,000	
Facilities Management	422,613	
Early Childhood (FACE)	225,000	
Title IX	74,587	
Title I	618,200	
Title II	14,500	
Title IV	55,300	
Goals 2000	80,000	
TOTAL FY 98 OPERATING FUNDS		$7,441,700
ESTIMATED DISPLACEMENT COSTS		2,600,000
ESTIMATED ADMINISTRATIVE COST GRANT		1,200,000

If further information is required, please advise.

Carol M Baker

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL 3-2-98

# of pages ▸ 1

To Raphael Martin

From OIEP-ENA

NAVAJO AREA SCHOOL BOARD ASSOCIATION TESTIMONY CONCERNING THE BUREAU OF INDIAN AFFAIRS EDUCATION SYSTEM BUDGET FOR 1999

PRESENTER: VERNER V. DUUS, CONSULTANT

The Navajo Area School Board Association (NASBA) appreciates the opportunity to present testimony for the record regarding the FY 1999 budget as it relates to the Bureau of Indian Affairs (BIA) education system. NASBA is an association of local school boards, officially sanctioned by the Navajo Tribal Council in 1974 to serve the needs and support the actions of its member boards. NASBA has been in continuous operation since 1974 and has played an important role through the years in the reform of the system and the implementation of local control of BIA education through the empowerment of local school boards. NASBA has played a key role in education planning within the Navajo Nation.

Navajo local schools have been actively involved in Goals 2000: Educate America Act program. Under this initiative, all schools have assessed their schools and developed a Consolidated School Reform Plan. The reform plans outline the school's: mission, philosophy, goals and objectives; improvement plans in teaching and program design; staff development; increasing parental and community support; improving drug free schools and communities; improving governance, accountability and monitoring plans; and incorporates the Comprehensive School Health initiative.

The BIA-operated schools on the Navajo Nation experience similar problems of Bureau schools nationwide such as poor or obsolete classroom equipment, outdated books, limited instructional supplies, and unsafe or unsuitable education facilities. NASBA advocates and promotes the unique mission of these schools to provide education programs aimed at the highest achievement level in a safe environment for Native American children and youth.

In reviewing the President's proposed 1999 budget, we are pleased that the administration has shown a clear commitment toward addressing some of the longstanding problems which have plagued the system. With some minor reservations, we strongly support the budget as proposed and in this testimony will point out the positive items as well as the areas where problems still exist.

1) SCHOOL FACILITIES - NASBA supports the budget with regard to New School Construction and Facilities Improvement and Repair (FI &R). This budget demonstrates a clear commitment to deal with the severe problems associated with the school system's infrastructure. Ten years ago, we remember when the BIA facilities "backlog" for outstanding repairs was identified as $600,000,000. In the 1998 budget, the backlog is identified as approximately $890,000,000. It is clear that the dollars which have appropriated in the ensuing years have not met the need and that deterioration is occurring at a more rapid pace than repairs. What is needed here is a

sustained commitment in these two line items over several years at the level of funding proposed in FY 1999 budget.

All is not well, however, with the facilities budget. Every year, the *American School and University (AS & U)* magazine reports on facilities maintenance and operations funding throughout the public school systems in the country. Its April, 1997 report begins with this quote:

> "No one will argue that decades of deferred maintenance and budget cuts are major reasons why so many of America's school facilities are in deplorable condition. Overall, school maintenance and operations (M&O) budgets have been on a downward trend for quite some time, helping contribute to the current education infrastructure crisis."

What is true for the country as a whole is doubly true for the BIA and is not corrected in the proposed 1999 budget. The Education Facilities O & M budget is increased only slightly in the 1999 budget request and is inadequate to provide for the increase in square footage in the system, much less address the longstanding deficiency in O & M funding. At current funding levels, the condition of school facilities will continue to deteriorate even as new schools are built and renovations and repairs are made.

A comparison of public school O & M costs as identified in the AS & U magazine reveals that the funding is roughly the same for the BIA as several regions of the country on a square footage basis. However, it must be remembered that BIA facilities personnel are "wage-grade" employees and, as such, are generally paid substantially more than facilities workers in the public schools. Additionally, much of the BIA system consists of small, isolated schools which cannot achieve the economy of scale with its facilities program that large urban school systems enjoy. *It would be very useful to do an analysis of BIA O & M costs compared to similarly situated public schools. NASBA plans to undertake such a study during the course of this year and will supply the Committee with the results.*

2) SCHOOL OPERATIONS (Other than Facilities O & M) - Again, with school operations, there are some good things happening in this proposed budget, but also some problems that have not yet been adequately addressed. For example, there is a small but welcome increase in ISEP funding; however, the small increases in administrative cost grants and student transportation are inadequate.

There has always been a question on Navajo whether funds would be available for administrative costs if a large number of schools decided to convert from BIA-operated to contract or grant schools. There are now a large number of school boards that intend to make this transition and the funding for both administrative cost grants and severance pay were inadequate in 1997. The problem does not seem be a reluctance to request or appropriate the necessary funding; rather it seems to be the 2 year budget cycle. On the one hand, P.L 93-638 and P.L.100-297 have very short time frames from tribal authorization to final BIA approval. On the other hand, the BIA participates in a two year budget process and is understandably reluctant to put large amounts of funding into a line item like Employee Displacement our Administrative Cost Grants unless it is quite clear that there will be a need for it.

In the past this problem has generally been minor since there were usually funds somewhere in the budget which could be moved to handle new contracts or grants. These days, with the tendency to put a tribe's name on every "non-residual" dollar in the budget, it is increasingly difficult to provide for such contingencies. In addition, the potential of the Navajo schools going grant is on a totally different scale than anything else that has ever happened in the move toward self-determination. For example, the amount of Administrative Cost Grants will probably need to increase by around 50% over the next few years if the current plans are implemented. Since Navajo is only one tribe out of over 550 and only one area out of twelve, it rarely gets what it needs out of the BIA budget process. *NASBA recommends that the Indian Self-Determination Fund be available for administrative cost grants and start up costs for new grant schools in their initial year of operation.*

School Transportation is an area where the BIA is funded at well below the national average on a per mile basis. The national average was reported to be $2.92 per mile (in SY 93-94) while the amount available for the BIA **FOUR YEARS LATER** (in SY 97-98) is stated to be $1.90. Local schools are forced to use their other funds to supplement this amount. The increase of about 10% in the 1999 request is a move in the right direction but it is still inadequate. *NASBA intends to compare BIA transportation funding with the cost for similarly situated public schools during this year and will share the results with the Committee.*

3) EMPLOYEE DISPLACEMENT - In 1997, NASBA was advised by the BIA that there were no funds available for employee displacement. Since this was the case, several schools were prohibited from converting to grant status. The 1998 budget made additional funds available for this cost , including funds from "off the top" of TPA if needed. The 1998 funding available should be enough to meet the needs on Navajo, but we are unaware of activity elsewhere that could affect the amount. In the 1999 budget request, the amount requested may be inadequate, particularly if some of the funding is needed elsewhere in the BIA.

There is a policy point that needs to be explored. In many instances, the BIA teachers and other employees are often offered employment by the school board following the conversion to grant or contract status. There is often no break in pay for the employees who take that employment. If the school board and the employee agree, the employees can continue many of their Federal benefits. The severance pay in such instances becomes a windfall for the employees. It seems doubtful that severance pay was envisioned to be available in such instances. *NASBA believes that this practice is not required by law, that it is subject to a policy decision by the Secretary, and that it should be reviewed and possibly changed.*

4) EDUCATION -AREA/AGENCY TECHNICAL SUPPORT AND TRIBAL DEPARTMENTS OF EDUCATION - NASBA continues to support the current funding formula for "Element 10" funds for the education administration\program line offices with one revision. This formula reduces funding available for line offices when schools move from BIA operated to grant school status. While this makes sense in that the work required of the line office is reduced, we support a change which permits such savings, at least when occurring on Navajo, to be contracted by the Navajo Nation Currently, the formula is run anew each year and funds would be lost to the Navajo Area when additional schools convert to grant status.

When schools make this change on Navajo, there is an increased role for the tribe since the tribe is in the process of developing and implementing a tribal school system. This is not generally the case in other tribal locations. A Navajo education system would include up to 66 BIA funded schools. There is clearly justification for some special consideration of the Navajo situation.

The authorization for funding for tribal departments of education in P.Law 100-297 has never produced additional funding for Navajo but this proposed change would at least provide a small amount of funds in recognition of the additional functions assumed by the tribe. NASBA has taken a lead role in the grass roots effort to develop tribal schools. Without a strong tribal presence, this development leads to fragmentation of support services, curriculum, and policy development. A great deal of this development which should be occurring within the Navajo Nation is instead benefiting off-reservation sources. *We would be happy to provide additional information on this subject upon request. NASBA also continues to support funding for tribal departments of education. The Navajo Tribe has adopted tribal standards for education and implementation resources from the Tribe continue to be very limited.*

5) CONTRACT SUPPORT FUNDING - NASBA strongly supports the increases identified in the President's budget request. As a '638 contractor, NASBA is heavily dependent on adequate contract support funding. The reductions over the past couple of years have been very difficult to live with. For us and several others where the great majority of funding comes from the Federal government, this is a survival issue. NASBA supports a return of this line item (as well as the ISD Fund) to the "Other Recurring" portion of the budget. Placement in TPA is inconsistent with the manner in which this fund is distributed and is misleading and confusing. *NASBA is also very concerned that settlement of the "Ramah two" lawsuit could have an adverse affect on contract support funding for contractors such as NASBA.* NASBA does support reform of the distribution process to a system where the BIA would distribute contract support funding based on a sliding scale similar to the manner in which administrative cost grants are distributed to local schools.

We thank the Committee for this opportunity to provide testimony. If you have questions for us, please contact our director, Angela Barney-Nez at (520) 871-5225 or our consultant Verner Duus at (301) 292-2744.

COPY FOR YOUR
INFORMATION

UNITED STATES GOVERNMENT

memorandum

DATE: March 2, 1998

REPLY TO ATTN OF: Principal, Kaibeto Boarding School

SUBJECT: Space Expansion

TO: Agency Superintendent for Education, WNA
Dr. Kenneth Ross, Special Assistant to the Director, OIEP

Kaibeto Boarding School was constructed in 1965 and I am requesting a 70,000 square foot expansion for the elementary education program. I realized that I missed the deadline for the new construction and portable classroom application.

I am requesting for space expansion because we are currently experiencing overcrowding in our classrooms. This is due to increased enrollment and education programs as mandated by the North Central Accreditation (NCA) requirements.

The Bureau of Indian Affairs (BIA) is responsible for providing facilities to support education programs for eligible Native American children. They provide the educational facility space needed as defined in 25 U.S.C. § 200 (f).

The Kaibeto community population is increasing on a yearly basis. The Navajo Housing Authority (NHA) is constructing more homes which increases our community and student enrollment. We anticipate approximately 900 to 1,000 students within five (5) years based on our current trend.

I am requesting consideration for a waiver and allow to be permitted to submit our space expansion application for new construction with portable classrooms as an interim overcrowding solution. Our applications will contain all supporting data in detail with applicable justification. The local Facility Management has new construction of a 70,000 square foot School Elementary Building at $5,000,000.00 in the FACCOM System Backlog.

For further information or questions, please contact me at telephone number (520) 673-3480.

Jerry J. Begay

OPTIONAL FORM NO. 10
GSA
(REV. 1-94)
5010-118
NSN 7540-00-656-0924
FPI-SST

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
OFFICE OF INDIAN EDUCATION PROGRAMS
201 THIRD STREET, N.W., SUITE 510
ALBUQUERQUE, NEW MEXICO 87103
(505) 766-3850 FAX (505) 766-3865

November 4, 1997

To: All OIEP Line Officers
All BIA Funded Schools

From: Dr. Kenneth G. Ross, Special Assistant to the Director, OIEP Dr. Kenneth G. Ross

Subject: Prioritized Portable Classroom and FI&R Projects

The Bureau's Facilities Management and Construction Center is directly responsible for managing the portable classroom program and the Facilities Improvement and Repair Program. In an attempt to forecast budgetary requirements both programs have prioritized locations and projects where portable classrooms will be procured or where FI&R projects will be funded by fiscal year. The present ranking of applications or projects has been completed for FY-98; FY-99 and FY-2000.

These projects when funded will be eligible for granting under P.L. 100-297 for those authorized grant schools.

Education Line Officers, Grant school administrators and boards should review their enabling Tribal resolutions to make sure that the resolution includes specific authority to administer facilities construction activities. Many enabling Tribal resolutions are written generically and the local community school board and administrators interpret these resolutions to be all encompassing in relation to delegated authority from the Tribe. This is not necessarily the case, as some Tribal governments have taken formal action to formally clarify the Tribes authority vs that authority which was delegated; rescind authority provided to grant school boards or admonish grant school boards for assuming specific authority was delegated when it had not been.

Some of these projects will exceed $100,000.00. In those cases, the respective Tribe will be contacted and asked if they would like to contract the project. If the Tribe declines, and offer will be made to the grant school to see if that school wants to administer the project under their grant. If the grant school declines then the Bureau's Facilities Management and Construction Center will manage the project.

Amending you schools basic school operations grant to include construction activity is a voluntary action. No grant school is required to conduct school construction activity unless they want to and provided they have the authority from the Tribal council to perform such activity.

It is important that Education Line Officers and grant school administrators know what their respective responsibilities are under the granting of construction activities. Thus, prospective grantee's should have training on administering construction grants prior to requesting that the project be placed in their grant. Most schools have not had direct experience in managing large construction projects therefore advance training is important to the success of such an endeavor. OIEP is currently arranging training for construction grants administration and for grants officer training. It is envisioned that the Education Line Officer (Federal Grants Officer); the construction project Grants Officers Technical Representative and identified representative(s) of the grant school will be provided training at the same time using the specific project for

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
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201 THIRD STREET, N.W., SUITE 510
ALBUQUERQUE, NEW MEXICO 87102
(505) 766-3850 FAX (505) 766-3865

RECEIVED
SEP 12 1997

August 29, 1997

Memorandum:

To: All Bureau funded schools
All OIEP Line Officers

From: Special Assistant to the Director Dr. Kenneth G Ross

Subject: New School Construction

The Bureau of Indian Affairs has nine of the original sixteen schools remaining on the new school construction priority list. The present construction budget plan should provide for construction funding for the remaining nine schools between FY-98 and FY-04.

The Office of Indian Education Programs acknowledges that there is a need to review and finalize the new school construction regulations. This is especially important given the fact that the former Office of Construction Management published in the Federal Register that no new school construction applications would be solicited until the new school regulations were published as final. The last formal draft regulations did not address priority ranking criteria, especially with respect to partnership agreements with tribes for construction of education facilities. Pending Congressional authorization for tribes to use Tribal Priority Allocation funds for school construction and potential gaming revenue commitments toward school facilities construction could impact the priority ranking process.

Prior to initiating efforts to review and finalize the new school construction regulations it is imperative that Tribes, School Boards and school officials have an/opportunity to formally submit their ideas, suggestions, or recommendations on what rating criteria should be established to rank new school construction applications. Issues to consider include might include, whether the BIA should set up more than one new school construction project ranking list ? This might be reasonable under tribal partnerships where tribes which are willing to use TPA funds, gaming revenue or other economic development resources toward new school construction so as not to penalize tribes that do not have these financial resources.

The Office of Indian Education Programs will provide a ninety (90) day public comment period . Your ideas, comments or recommendations related to new school construction project ranking criteria should be mailed to the following address:

Bureau of Indian Affairs
Office of Indian Education Programs
Attention: Dr. Kenneth G. Ross
201 third Street, N.W., Suite 510
Albuquerque, New Mexico 87102

Distr. to Bureau and Grant Schs., W&A
9/3/97 FB

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

AUG 1 4 1996

Dear School Principal:

This letter is to inform you of the establishment of a new process in the BIA construction program for the construction of new school facilities. This new process is designed to reduce the time required to complete new construction by up to 50 percent. The process is voluntary on all current and future construction projects based upon the desires of the tribe and/or school board.

For years there has been growing concern by the Department of the Interior, Congress, and tribes that the BIA facilities construction processes have been ineffective in providing timely delivery of completed new school construction projects to facility occupants. From the beginning of formal planning, the current process can take 7 to 8 years to provide a new or renovated school facility. Dramatic change is required to reduce this process to 3 years or less.

In order to generate this dramatic change, the Department and the BIA determined that the process used to plan, design, and construct new school facilities needed to be reengineered. This involved fundamentally rethinking and radically redesigning the process to achieve significant improvements in critical measurements of program performance. This reengineering effort was accepted by the Department of Interior's National Performance Review Team as a Reinvention Laboratory.

Enclosed please find a copy of the Reengineering Team's final report of the U.S. Department of Interior/Bureau of Indian Affairs, Reinvention Laboratory for Reengineering the New School Construction Process. The reengineered process was developed to accommodate all means of administrating projects, including Indian Self-Determination contracts or grants, education grants, or direct federal administration. The process is designed for implementation with funded new school construction projects, however, it will also be implemented with selected Facilities Improvement and Repair (FI&R) and detention center construction projects, as appropriate.

The Department of Interior has established an Implementation Team to assure implementation of the reengineered process beginning this fall with selected lead projects. Appointed implementation team members include:

- Tony Howard, Contracting and Grants Administration, BIA
- Dr. Kenneth Ross, Office of Indian Education Programs, BIA
- Norman Suazo, Facilities Management and Construction Center, BIA
- Stanley Thurber, Office of the Secretary
- A representative of the employees union (NFFE) to be designated

505/
766-[illegible]

Should you have any questions concerning this report or the reengineered new school construction process, please contact Jerry Schweigert, Acting Director, Facilities Transition Project Staff, at (202) 208-3403.

Sincerely,

Michael J Anderson
for
Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosure

Ellouise Hoschain, School Board Member
Kaibeto Boarding School
Kaibeto, AZ 86053

March 10, 1998

Dear Senators and Representatives,

I am contacting you to urge you to schedule a joint hearing of the Senate Appropriations Committee and the Senate Indian Affairs (BIA) schools.

A recently-issued General Accounting Office (GAO) report found that Indian school facilities are in poorer physical condition than other schools in the United States. In fact, 62 percent of BIA schools have at least one building in need of repair or replacement, compared to 33 percent of all school nationwide.

The BIA's budget request for Facilities Operation and Maintenance (O&M) funding historically has been woefully inadequate. The budget request for FY 1999-- a $2 million increase over the current funding level of approximately $42.5 million-- is no better. In fact, the BIA admits in its draft budget justification language:

> The $2,000,000 increase will not permit the Bureau of fund support of Facilities Operation and Maintenance costs at the 185 elementary and secondary schools and two post secondary institutions beyond 68 percent of actual operating costs for fiscal 1999. The known increase in square footage from FY 98 amounts to 503,019 square feet. The average cost of O&M funding is $5.00 per square foot. Thus, to find the added square footage, $2,523,495.00 would be required.
>
> This increase does not take into consideration escalation of employee salary costs, increase in utility rates or materials and supplies. The net effect is that all BIA funded schools will experience lower operating budgets and continued deterioration of physical plan considerations, and will perpetuate unsafe conditions for students and school staff.

The GAO estimates that the cost of repairing the BIA's schools is $754 million. However, in fiscal year 1998, Congress provided funding to meet less than 7 percent of the funds needed to address this crisis. For fiscal 1999, the Administration's budget request includes $86.6 million for BIA education construction.

As School Board Member of Kaibeto Boarding School, I am acutely aware of the effects of this dire situation. Kaibeto Boarding School was constructed in 1965 and attached is a copy of school situation.

Thank you for your concern and prompt attention to this urgent issue. Please do not hesitate to contact me at (520) 673-3480, if I can provide additional information or testimony regarding school conditions in Indian country.

Sincerely,

Ellouise Hoschain, School Board Member
Kaibeto Boarding School

IN REPLY REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

LAGUNA ELEMENTARY SCHOOL
P. O. BOX 191
LAGUNA, NEW MEXICO 87026

May 22, 1998

Hon. Pete V. Dominici
4343 Dirkson
Senate Office Bldg.
Washington, D.C. 20510

Senator Dominici:

Enclosed is a requested package by the Laguna Pueblo Council for a meeting date May 22, 1998 with Rep. Joe Skeen and his representatives.

Our initial request for funds for a new school continue with our efforts to allow review of our situation, that of a growing community's attempts to maintain this aging school facility; and to further update you on our need for a new school.

The Laguna Elementary School, its Principal and School Board, invites you to see our school and to allow us to review with you our concerns.

Thank you,

Gerald Kie

Gerald Kie
Principal

xc: Governor Roland Johnson, Pueblo of Laguna
    Dr. Benjamin Atencio, School Supt. OIEP, SPA, BIA- Albuquerque
    Dr. Ken Ross, BIA, OIEP Facilities & Construction
    Laguna Elementary School Board
    File

NAME OF SCHOOL

LAGUNA ELEMENTARY SCHOOL

"where achievement speaks louder than words"

HISTORY OF COMMUNITY AND SCHOOL

Laguna Elementary School continues to be an integral part of the education process that is highly sought after by the Pueblo of Laguna- its communities and families. The communities have seen the school move from the six-village based program to a centralized school system, begin in 1963. The program has expanded from its six original villages to expanding areas that include six subdivision housing areas and extended housing outside the original village boundaries. The program has moved to Kindergarten through fifth grade classes- losing the sixth grade to the new middle school in 1991- yet maintaining student population levels that include 387 for 1997-98.

Philosophy

MISSION STATEMENT CAN BE INCLUDED

We, the Laguna Elementary School Community, see our mission as being one of promoting personal and Native American pride, increasing academic knowledge, and dynamic social skill. We see our student leaving school equipped to reach their full potential, empowered with courage, vision, and ambition to serve as productive and influential members of the world community.

BEST COPY AVAILABLE

SCHOOL SUCCESS HIGHLIGHTS

2 PAGES

FALL HIGHLIGHTS

- "Character Counts" -Assembly introducting the six pillars of character and assigning each class an area of responsibility for the school year. (Sept.5, 1997)
- Open House /Signing of School Parent Compact- Initiating the help of the family in allowing learning to take place. (Sept. 10, 1997)
- Laguna Feast Parade -2nd Place. Entry as a whole school marching unit. (Sept.18, 1997)
- "Balloon Fiesta" Field Trip- School-wide activity with 98% participation of all parents bringing students to school at 5:30 am for departure to the early morning fiesta activities. (Oct. 10, 1997)
- Red Ribbon Week- Drug awareness activities. (Oct. 27-31, 1997)
- DARE Program for fifth grade begins with sponsorhip by the Cibola County Sheriff's Office. (Nov.6, 1997)
- Denmark National Acrobatics Performance Troupe- Student classroom visits, p.e. sessions and public performances. (Nov 3-5, 1997)
- Fall Festival - Carnival and food sales in the gymnasium. (Nov. 14, 1997)
- Veteran's Honor Assembly. (Nov.25, 1997)
- Santa Claus Visits - El Paso Natural Gas Co. (Dec.117, 1997); Cibola County Sheriff (Dec. 19,1997)

SPRING HIGHLIGHTS

- Spelling Bee -Cibola County (Jan.15,1998) ; SPA (Jan 29, 1998)
- LES Science Fair- (Fe.20, 1998)
- SPA Science Fair- (Feb. 27, 1998)
- Japan Visit and Performance of Cultural Opera (Feb 27, 1998)
- DARE Graduation with representation for tribal and county law enforcement agencies. (Mar. 6, 1998)
- Careers "Community Initative"- Pueblo of Laguna "Adventure Program" with the Facilities Department hosted two mornings of work profiles and examples of jobs in the field operations setting.(Mar. 9,10, 1998)
- Championship in Albuquerque City League Chess Competion. (Mar 18, 1998)

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SCHOOL SUCCESS HIGHLIGHTS

2 PAGES

- CTBS Terra Nova Assessment -Grades 1-5- Alignment with State of New Mexico date and standards. (Mar. 24,25,26, 1998)
- Gulliver's Travels - School-wide field trip to a stage play presentation in the Convention Center, Albuquerque (Mar. 31, 1998)
- Santa Fe Opera in Education Performance. (Apr. 3, 1998
- Kindergarten visit to first grade classes / teacher meeting with parents from the Laguna Headstart Program. (Apr. 15, 1998)
- InterNet and Computer Technology Inservice for LES Teaching Staff - Participation in WOW Project -US West Sponsorship. (Apr. 17, 1998)
- Indian Awareness Week Activities included Prince and Princess Assembly, Dance Groups Performance, Community Artisans Visits and Workshops, Crafts Hands On Demonstration and Participation, and Throw Day. (Apr. 20-23, 1998)
- Careers "Community Initiative" - El Paso Natural Gas Company hosted two mornings at their Laguna Station introducing students to computer technology and the business of fuel energy. (Apr.28,29,1998)
- NET Day activities with link to the internet possible.(May 15, 1998)
- Sky Lab Presentation to classes and to community- (May 19,20,1998)
- "FingerPrint" Project with the Cibola County Sheriff's Office to finger print for parent record. (May 26,27, 1998)

OUTLINE ADDRESSING CSRP OBJECTIVES

IMPROVING TEACHING AND LEARNING, STANDARD AND ASSESSMENTS

- Student Learning Styles Survey- Student- Fall, 1997
- Staff Survey- Spring, 1998
- Phonetics Approach to Reading, K-3- Fall, 1997
- Extended Whole Language Applications, 3-5- Fall, 1997
- Increase Staff Interaction- Committees, SPA/NPA Rally and Workshops 1997-98
- Respect-Building for self and others:
  - Mediators Program, Fall, 1996
  - Character Counts Program, Fall, 1997

IMPROVING OPPORTUNITY TO LEARN

- Staff Development
  - Technology:
    - •4-Directions Technology Team - Fall, 1996
    - •CENAC/ Technology Training- Spring, 1998
    - •LapTop Computer Project, Fall, 1997
    - •Iternet Training USWest "WOW" Project, Spring, 1998
  - Special Education:
    - •SPA Workshops, Fall, 1997; Spring, 1998
  - Science and Math:
    - •UCAN Distribution of Science Materials and Kits, Fall, 1997
    - •UCAN Workshops, Fall, 1997
  - Reading: Grade Level Workshops , Fall, 1997 & Spring, 1998
- Effective Assessment Research
  - Rubrics Sample Assessment, Fall, 1997
  - Checklist Survey-Language Arts (all grades)
  - Participation in California Learning Record training, Fall, 1997
  - Terra Nova- CTBS Testing Alignment with the State Department of Education-New Mexico
  - Kindergarten inclusion in CTBS assessment

INCREASING PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT

- Distribute parent questionnaire on individual child information. Fall, 1997
- Develop a school parent compact and distribute to parents. Fall, 1997
- Increase parent preparation and participation: Fall & Spring, 1997-98.
    - •Teacher projects in "family fun nights," chess tournaments, open house night
    - •Computer lab night in conjunction with the LES Science Fair
    - •Special Education hosting Parental Training sessions with psychologists from UNM service unit
    - •Parent volunteers on field trips with individual teachers
- Develop and distribute written parental involvement policy, Spring, 1998

IMPROVING GOVERNANCE, ACCOUNTABILITY, AND MANAGEMENT

- Curriculum in reading for alignment to teaching standards, Fall, 1997
- Technology Plan for e-mail application and acquisition of computer technology, Fall, 1997
- Communication with individual grade level representatives and programs, Spring, 1998
- Staff assignments on school operations committees, Fall, 1997

CTBS /4 Spring Results

SCHOOL ACHIEVEMENT

Language Arts

	Partially Proficient 34 NCE's	Proficient 35-66 NCE's	Advanced 67 + NCE's
GRADE 4	5	25	6
GRADE 8			
GRADES 9-12			
TOTAL NUMBER	5	25	6
PERCENTAGE	14%	69%	17%

SCHOOL ACHIEVEMENT

Mathematics

	Partially Proficient 34 NCE's	Proficient 35-66 NCE's	Advanced 67 + NCE's
GRADE 4	7	24	5
GRADE 8			
GRADES 9-12			
TOTAL NUMBER	7	24	5
PERCENTAGE	19%	67%	14%

BEST COPY AVAILABLE

ffice of Indian Education Programs

CTBS /4 Spring Results

SCHOOL ACHIEVEMENT

Reading

	Partially Proficient 34 NCE's	Profecient 35-66 NCE's	Advanced 67 + NCE's
GRADE 4	4	30	2
GRADE 8			
GRADES 9-12			
TOTAL NUMBER	4	30	2
PERCENTAGE	11%	83%	.06%

SCHOOL ACHIEVEMENT

Science

	Partially Proficient 34 NCE's	Proficient 35-66 NCE's	Advanced 67 + NCE's
GRADE 4	14	18	4
GRADE 8			
GRADES 9-12			
TOTAL NUMBER	14	18	4
PERCENTAGE	39%	50%	11%

ENROLLMENT
1997-98

Past Enrollment:

1994-95	*339
1995-96	*375

Kindergarten	63
First	78
Second	70
Third	64
Fourth	45
Fifth	67
Sixth	0
Seventh	0
Eighth	0
Ninth	0
Tenth	0
Eleventh	0
Twelfth	0
Total	*387

Projected Enrollment:

1998-99	380
1999-2000	385

*Based on ISEP Counts

LAGUNA ELEMENTARY SCHOOL

"..WHERE EXCELLENCE SPEAKS LOUDER THAN WORDS...."

A STATUS REPORT ON PRESENT FACILITIES & NEED FOR NEW FACILITIES

MAY 29, 1998

CURRENT FACILITIES STATUS

- The current building inventory details the facts that the buildings are 35 years old, the square footage is 67,519 at a construction cost of $3,578,55.(Refer to Attachment A)

- Eleven classroom areas including Kindergarten Rooms #26,27,28,& 29; Classrooms # 20,21,22,23,24, & 25; and Bldg. # 1146 are portable classrooms. (Two more portables are due in: to replace room #20 and to accommodate expanded student population.) [Refer to Attachment B]

- Current Facilities Improvement & Repair Program projections not including emergency repair to a wind-damaged roof in 1993 costing in excess of $97,000 include:

Year	Project Budget	POR Project Amt.
1991	$ 307,365	$ 194,945 (97,000)
1993	$ 132,000	$ 120,472
	$ 439,365	$ 218,417

The amounts include what needs to repaired, rebuilt, replaced under Project Budget; and what allocations are available to complete projects- POR Project Amt.(Refer to Attachment C)

- Projects completed to maintain the facilities to OSHA and safety standards as set by the Pueblo of Laguna Department of Education, and the Indian Health Service . Numerous repairs are made because of emergency status- unplanned costs that have to be met above and beyond the Project Budget request. (Refer to Attachment D)

- Our school operations reports and audits reflect the need to continual maintain watch on aging buildings and facilities that need attention. The Pueblo of Laguna is hard pressed to cover the buildings with the existing workforce.

REPORT BY AREA

QUARTERS INCLUDED

DATE 11/01/94

BUREAU OF INDIAN AFFAIRS

FACILITIES MANAGEMENT

INVENTORY BUILDING SUMMARY

ATTACHMENT A

REPORT ID 204

PAGE [illegible]

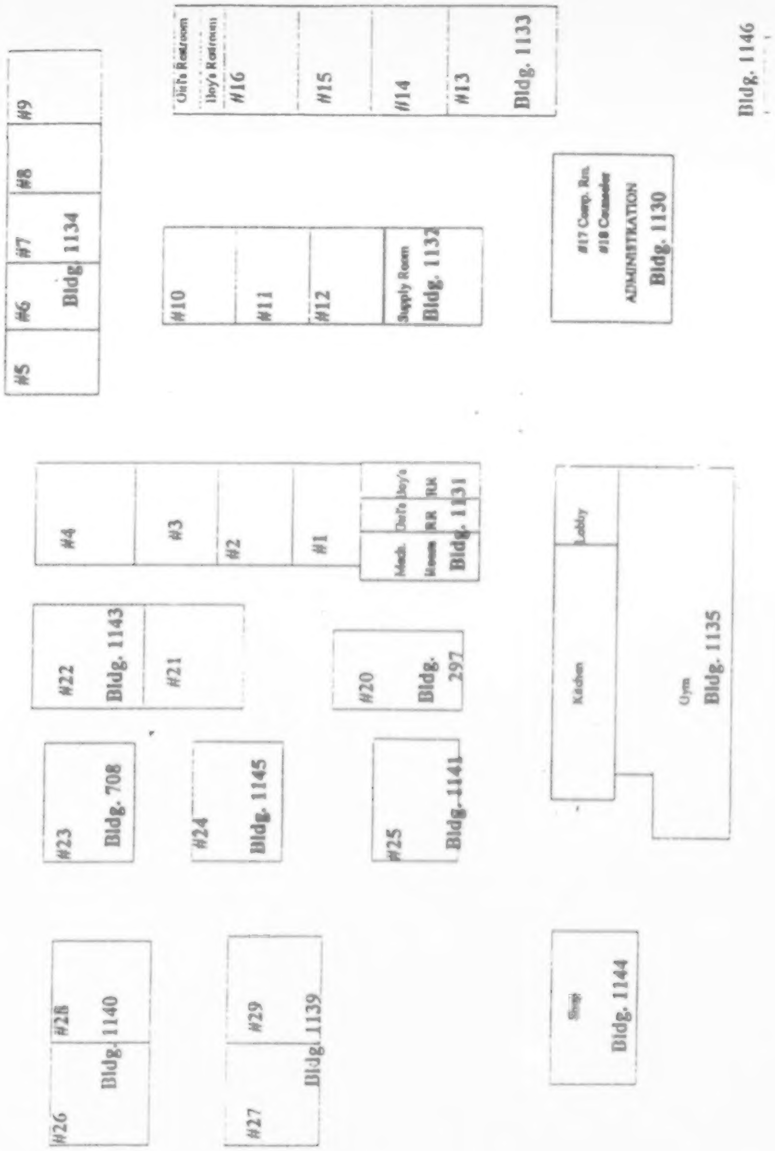
	AREA	AGENCY	LOCATION	CONGRESS DISTRICT
M21-02	ALBUQUERQUE	LAGUNA AGENCY	LAGUNA	22

STATE CODE	STATE NAME	CLOSEST CITY	COUNTY CODE	COUNTY NAME
35	N MEX	LAGUNA	061	VALENCIA

BUILDING NUMBER	USE CODE/ DESCRIPTION	SQUARE FEET	PERCENT UTILIZED	REPLACEMENT COST	YEAR COMPLETED	USEFUL LIFE	MAINTAINED	BIA OPERATED	CONTRACTED [illegible]
297	S2=SCHOOL ELEMENTARY - DAY	982	100%	$56,000	1964	1994	YES	YES	NO
708	S2=SCHOOL ELEMENTARY - DAY	896	100%	$51,000	1978	1999	YES	YES	NO
1110*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1111*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1112*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1113*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1114*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1115*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1116*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1117*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1118*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1119*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1120*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1121*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1122*	QT=QUARTERS	1,260	****		1964	2009	*** BUILDING DEMOLISHED ***		
1123*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1124	OF=OFFICE-GENERAL	1,260	100%	$44,000	1964	2009	YES	YES	NO
1125	OF=OFFICE-GENERAL	2,977	100%	$104,000	1964	2009	YES	YES	NO
1126	ST=STORAGE	1,160	100%	$23,000	1964	2009	YES	YES	NO
1128*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1129*	QT=QUARTERS	1,452	****		1964	2009	*** BUILDING DEMOLISHED ***		
1130	S2=SCHOOL ELEMENTARY - DAY	9,538	100%	$505,000	1964	2009	YES	YES	NO
1131	S2=SCHOOL ELEMENTARY - DAY	6,845	100%	$390,000	1964	2009	YES	YES	NO
1132	S2=SCHOOL ELEMENTARY - DAY	4,528	100%	$258,000	1964	2009	YES	YES	NO
1133	S2=SCHOOL ELEMENTARY - DAY	4,679	100%	$267,000	1964	2009	YES	YES	NO
1134	S2=SCHOOL ELEMENTARY - DAY	5,450	100%	$311,000	1964	2009	YES	YES	NO
1135	MP=MULTI-PURPOSE AREA	15,060	100%	$934,000	1964	2009	YES	YES	NO
1136	SP=SHOP	768	100%	$31,000	1964	2009	YES	YES	NO
1137	ST=STORAGE	64	100%	$2,500	1964	2009	YES	YES	NO
1139	S2=SCHOOL ELEMENTARY - DAY	3,044	100%	$120,000	1970	2010	YES	YES	NO
1140	S2=SCHOOL ELEMENTARY - DAY	3,044	100%	$120,000	1970	2010	YES	YES	NO
1141	S2=SCHOOL ELEMENTARY - DAY	931	100%	$51,000	1975	2004	YES	YES	NO
1142	UT=UTILITY PLANT-BUILDING	423	100%	$20,000	1976	2014	YES	YES	NO
1143	S2=SCHOOL ELEMENTARY - DAY	1,926	100%	$96,000	1979	2009	YES	YES	NO
1144	SP=SHOP	1,368	100%	$48,000	1979	2009	YES	YES	NO
1145	S2=SCHOOL ELEMENTARY - DAY	896	100%	$51,000	1981	2010	YES	YES	NO
1146	S2=SCHOOL ELEMENTARY - DAY	1,680	100%	$96,000	1979	2009	YES	YES	NO
	LOCATION TOTALS	67,519		$3,578,500					

ATTACHMENT B

LAGUNA ELEMENTARY SCHOOL
1996 -1997


Girl's Restroom
Boy's Restroom
#16
#15
#14
#13
Bldg. 1133
Bldg. 1146
#9
#8
#7
#6
#5
Bldg. 1134
#10
#11
#12
Supply Room
Bldg. 1132
#17 Comp. Rm.
#18 Counselor
ADMINISTRATION
Bldg. 1130
#4
#3
#2
#1
Mech. Room
Girl's RR
Boy's RR
Bldg. 1131
Lobby
Kitchen
Gym
Bldg. 1135
#22
Bldg. 1143
#21
#20
Bldg. 297
#23
Bldg. 708
#24
Bldg. 1145
#25
Bldg. 1141
#26
#28
Bldg. 1140
#27
#29
Bldg. 1139
Shop
Bldg. 1144

ATTACHMENT C

```
POR ESTABLISHED:  06/26/91
REVISION(S):

POR ESTABLISHED:  06/26/91
YEAR FUNDING REQUESTED: 93       AREA PRIORITY: 0005

                          PROJECT 93M03E
                     PROGRAM OF REQUIREMENTS
                           ALBUQUERQUE
                          LAGUNA AGENCY
                          LAGUNA M21-02
                   PROJECT BUDGET:    $307,365


                   POR PROJECT AMT:      $194,945

FACILITIES IMPROVEMENT & REPAIR PROGRAM (ESTABLISHED):
-----------------------------------------------------
 <<< SRS PRJ # 93M03E >>>  LAGUNA ELEM SCHOOL FI&R PM 2      07/11/94   PAGE  2


*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

IMPROVEMENT AND REPAIR COSTS BY BACKLOG ITEMS BY BUILDING WITHIN -
  M21-02  LAGUNA, LAGUNA AGENCY, ALBUQUERQUE

BUILDING    X01 - SITE IMPROVEMENTS                    0 SQ.FT.   $   49,500
-----------------------------------------------------              -----------
 1 RK3 M001 REPAIR AND SEAL-COAT ASPHALT PARKING LOT (3,000 SQ YD)
 2 RK3 M013 REPLACE EXISTING SPALLED CONCRETE DRAINAGE BASINS W/NEW CATCH BASINS
            AND ACCESS GRATES (6,800 SQ FT)

BUILDING   1131 - SCHOOL ELEMENTARY - DAY          6,845 SQ.FT.   $        0
-----------------------------------------------------              -----------
 1 RK2 X001 INSTALL HOT WATER STORAGE TANK IN MECHANICAL ROOM

BUILDING   1132 - SCHOOL ELEMENTARY - DAY          4,528 SQ.FT.   $    6,345
-----------------------------------------------------              -----------
 1 RK2 S005 INSTALL PANIC HARDWARE TO CLASSROOM DOORS (6 EA)

BUILDING   1133 - SCHOOL ELEMENTARY - DAY          4,679 SQ.FT.   $    3,000
-----------------------------------------------------              -----------
 1 RK3 M004 INSTALL PANIC HARDWARE ON CLASSROOM DOORS (8 EA)

BUILDING   1134 - SCHOOL ELEMENTARY - DAY          5,450 SQ.FT.   $    4,000
-----------------------------------------------------              -----------
 1 RK3 M004 INSTALL PANIC HARDWARE ON CLASSROOM DOORS (10 EA)

BUILDING   1135 - MULTI-PURPOSE AREA              15,060 SQ.FT.   $    5,000
-----------------------------------------------------              -----------
 1 RK3 E001 REPLACE 8 FT FLUORESCENT FIXTURES WITH NEW SYSTEM FOR GYM

BUILDING   1139 - SCHOOL ELEMENTARY - DAY          3,044 SQ.FT.   $   41,000
-----------------------------------------------------              -----------
 1 RK3 M003 APPLY SINGLE PLY ROOFING MATERIAL OVER EXISTING ROOF (2,500 SQ FT)
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<<< SRS PRJ # 93M03E >>>  LAGUNA ELEM SCHOOL FI&R PH 2      07/11/94   PAGE  3

 2 RK3 M004 RESURFACE 2,250 SQ FT EXTERIOR SIDING WITH 3/4" STUCCO COATING

BUILDING   1140 - SCHOOL ELEMENTARY - DAY             3,044 SQ.FT.   $    17,250
-----------------------------------------------                      -----------
 1 RK3 M002 REPLACE 2,260 S.F. EXTERIOR WOOD SIDING FOR BLDG 1140; STAIN AND
            SEAL 4,520 SQ FT INCLUDING BLDG 1139.
 2 RK3 M003 APPLY SINGLE PLY ROOFING MATERIAL OVER EXISTING ROOF (2,208 SQ FT)

BUILDING   1144 - SHOP                                1,368 SQ.FT.   $    17,250
-----------------------------------------------                      -----------
 1 RK3 M001 REPLACE EXISTING LIGHTING SYSTEM WITH HAZD ENVIRON SYSTEM
 2 RK3 M002 INSTALL EMERGENCY EYEWASH STATION IN SHOP AREA
 3 RK2 M003 FRAME ELECTRICAL SERVICE AREA; PROVIDE FLOOR TO CEILING SKIRTING;
            MEET ELECTRICAL ACCESS SERVICE CODES.
 4 RK2 M004 INSTALL DUST COLLECTION SYSTEM IN SHOP
```

```
POR ESTABLISHED:  04/27/93
REVISION(S):

POR ESTABLISHED:  04/27/93
YEAR FUNDING REQUESTED: 94        AREA PRIORITY: 0004

                          PROJECT 94M10E
                     PROGRAM OF REQUIREMENTS
                           ALBUQUERQUE
                          LAGUNA AGENCY
                          LAGUNA M21-02
                  PROJECT BUDGET:    $132,000


                  POR PROJECT AMT:      $120,472

FACILITIES IMPROVEMENT & REPAIR PROGRAM (ESTABLISHED):
----------------------------------------------------
 <<< SRS PRJ # 94M10E >>>  LAGUNA ELEM SCH CODE COM & REP    07/11/94   PAGE  4


*   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *   *

IMPROVEMENT AND REPAIR COSTS BY BACKLOG ITEMS BY BUILDING WITHIN -
  M21-02  LAGUNA, LAGUNA AGENCY, ALBUQUERQUE

BUILDING    X01 - SITE IMPROVEMENTS                        0 SQ.FT.   $    20,300
-----------------------------------------------------                ----------
 1 RK2 M001 REPLACE WOOD RAMP WITH CONCRETE BLDG NO. 708, INSTALL HAND RAILS TO
            HANDICAPPED ACCESS RAMP BLDG NO. 297
 2 RK3 M002 REMOVE TREES & PROVIDE 3 FT CONCRETE APRON AT SOUTH SIDE BLDG NO.
            1130, REPLACE APPROX 200 SQ FT SPALLING CONCRETE AT NORTH ENTRANCE
            BLDG NO. 1135 (450 SQ FT)
 3 RK3 M003 REPAIR/REPLACE PERIMETER FENCE, CATTLE GUARD, AND GATES
 4 RK3 M006 INSTALL CHECK VALVE, REPAIR WATER METER & WATER CONDITIONER CONTROLS
 5 RK2 S002 REPLACE TWO DETERIORATED FIRE HYDRANTS
 6 RK2 S003 REMOVE FIRE HOSES, NOZZLES, AND STANDPIPE SYSTEMS

BUILDING    708 - SCHOOL ELEMENTARY - DAY                 896 SQ.FT.   $     8,000
-----------------------------------------------------                ----------
 1 RK2 H001 RETROFIT RESTROOMS FOR HANDICAPPED PER SAFETY AND TAT REVIEW

BUILDING   1131 - SCHOOL ELEMENTARY - DAY               6,845 SQ.FT.   $    27,503
-----------------------------------------------------                ----------
 1 RK2 H001 REPLACE EXISTING BATHROOM DOORS & FRAMES TO PROVIDE HANDICAPPED
            ACCESS
 2 RK3 M002 REPAIR CRACKS IN CONCRETE SIDEWALK AND RESURFACE (1716 S.F.)
 3 RK3 M004 INSTALL COMBUSTION AIR VENT
 4 RK2 X084 REMOVE/REPLACE FRIABLE ASBESTOS PIPE INSULATION WRAP (427 LN FT)
            FAIR CONDITION MODERATE POTENTIAL FOR DAMAGE
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<<< SRS PRJ # 94M10E >>>  LAGUNA ELEM SCH CODE COM & REP    07/11/94   PAGE  5

BUILDING   1132 - SCHOOL ELEMENTARY - DAY             4,528 SQ.FT.   $     2,000
--------------------------------------------                          ----------
 1 RK2 S004 INSTALL FIRE SPRINKLERS IN JANITORS CLOSET & STORAGE ROOM AT SOUTH
            END OF BLDG

BUILDING   1135 - MULTI-PURPOSE AREA                 15,060 SQ.FT.   $    31,400
--------------------------------------------                          ----------
 1 RK3 M002 REPAIR CRACKS IN EXTERIOR WALLS AND PAINT (10,000 SQ FT)
 2 RK3 M003 REPLACE SECTIONAL OVEN WITH NEW 47,500 BTU OVEN
 3 RK3 M004 REPLACE KITCHEN RANGE WITH (2 EA) FRY TOP RANGE W/THERMOSTATIC
            CONTROLS
 4 RK2 M010 BACKFILL & COMPACT SPOT EXCAVATIONS ALONG INTERIOR WALL FOOTINGS IN
            CRAWL SPACE; REMOVE VINYL FLOOR TILE & LEVEL W/CONCRETE SCRAPER &
            GRINDER AT HIGHER ELEVATION OF FLOOR; REINSTALL FLOOR TILE AND VINYL
            BASE.

BUILDING   1139 - SCHOOL ELEMENTARY - DAY             3,044 SQ.FT.   $     8,250
--------------------------------------------                          ----------
 1 RK2 M001 REMODEL BATHROOMS TO PROVIDE FOR HANDICAPPED ACCESS (2 EA)

BUILDING   1140 - SCHOOL ELEMENTARY - DAY             3,044 SQ.FT.   $     8,419
--------------------------------------------                          ----------
 1 RK2 M001 REMODEL BATHROOMS TO ACCOMODATE HANDICAPPED (2 EA)

BUILDING   1141 - SCHOOL ELEMENTARY - DAY               931 SQ.FT.   $     6,000
--------------------------------------------                          ----------
 1 RK3 M001 REPLACE CHECK VALVE, REPAIR METER AND REPLACE WATER CONDITIONER
            CONTROLS
```

ATTACHMENT D

Sheet1

LAGUNA ELEMENTARY SCHOOL PROJECTS	1993-1998		
DESCRIPTION	DATE	SPENT	
LAVATORIES, SINKS, FAUCETS, FOUNTAINS, DRAINS	12/01/93	$	6,847.73
STAGE CURTAINS	03/20/94	$	5,551.50
EMERGENCY BOILER REPAIR	02/18/94	$	3,679.66
FIRE EXTINGUISHERS	05/12/94	$	1,013.50
RANGE GUARD KITCHEN FIRE PROT. SYSTEM	10/15/94	$	1,295.00
SPRINKLE JANITOR CLOSET	10/15/94	$	250.00
FIRE RATED DOORS & PANIC HARDWARE	10/15/94	$	5,528.22
BOOKCASES	11/05/94	$	2,658.69
DISHWASHER AND INSTALLATION	11/04/94	$	13,366.23
EMERGENCY GARBAGE DISPOSAL REPLACEMENT	11/07/94	$	1,060.00
EXIT LIGHTS	12/09/94	$	1,973.55
HOT WATER HEATER REPLACEMENT	01/01/95	$	1,929.23
CARPET BLDG. 708	03/20/95	$	1,587.51
EMERGENCY ASBESTOS REMOVAL, ROOF, TILE	03/22/95	$	101,528.84
PURCHASE OF ICE MACHINE	04/01/95	$	1,998.00
FLUID STABILIZER	04/02/95	$	149.95
REWIRE CIRCULATING PUMP/CIRCUIT BREAKERS	05/01/95	$	570.80
BLEACHERS	06/20/95	$	42,350.00
FIRE RATED DOORS BLDG. 297,708,1143,1146	06/12/95	$	4,013.25
CONSTRUCTION BLDG. 1146	06/19/95	$	5,300.00
CARPET BLDG. 1146	07/16/95	$	6,400.00
PANIC HARDWARE BLDG. 1133	07/11/95	$	2,529.70
SIDEWALKS	08/08/95	$	26,974.28
CARPET CLASSROOMS	06/26/96	$	22,531.49
ASBESTOS REMOVAL CLASSROOMS	06/26/96	$	30,632.27
EMERGENCY WATER HEATER REPLACEMENT	07/08/97	$	3,960.31
FIRE RATED DOORS AND HARDWARE GYM/1140	11/25/97	$	9,524.54
EMERGENCY INTERCOM REPLACEMENT	03/03/98	$	18,972.11
EMERGENCY PRV & SHUT OFF VALVES	04/23/98	$	17,344.68
FAN COIL HEATING UNITS	ON GOING		
HAZARDOUS MATERIAL REMOVAL	Completed 5/98		5,268.76
WATER HEATERS, KINDERGARTEN	ON GOING		
BOILER DEFICIENCIES	ON GOING		
GRAND TOTAL		$	348,789.80

[illegible]

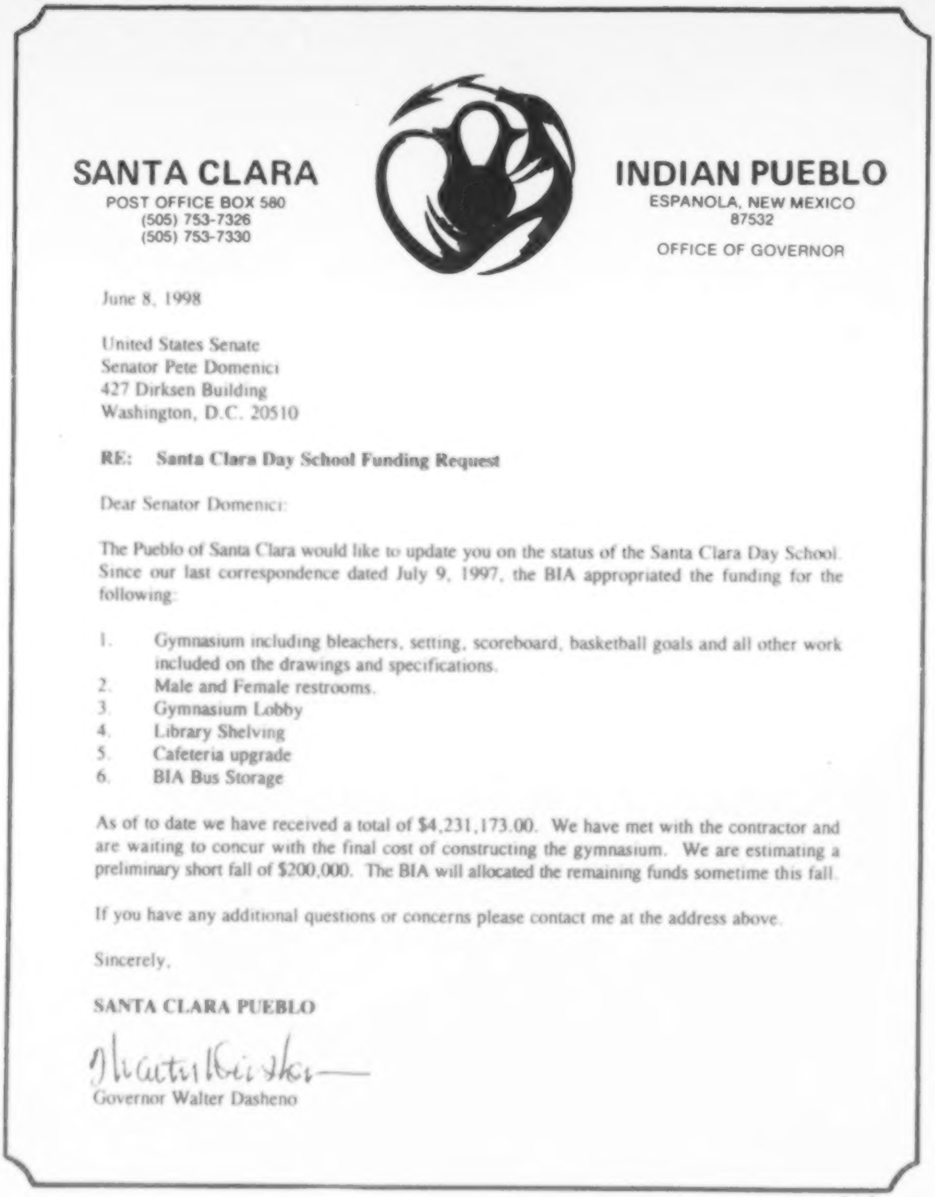
[illegible] to BIF

NEW SCHOOL ESTIMATED COST

YEAR	SQUARE FOOTAGE	COST PER SQ.FT	TOTAL
1964	67,519	$53.00	$3,578,500
1999	80,000	*$121.00	$14,093,991

*ESTIMATED

- FIGURED AT EXISTING SIGHT WITH MINIMAL DEVELOPMENT COSTS
- ADDITIONS INCLUDE:
    EXPANDED CLASSROOM SPACE TO HOUSE 500 STUDENT (K-5)
    EXPANDED CAFETERIA/DINING FACILITIES /MULTI-PURPOSE MEETING ROOM
    PHYSICAL EDUCATION COMPLEX AND AUDITORIUM
    ACCOMMODATIONS FOR CHILD CARE BEFORE AND AFTER SCHOOL
- WIRING FOR AUDIO VISUAL/COMPUTER TECHNOLOGY ACCESSIBILITY



SANTA CLARA **INDIAN PUEBLO**
POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330
ESPANOLA, NEW MEXICO
87532
OFFICE OF GOVERNOR

June 8, 1998

United States Senate
Senator Pete Domenici
427 Dirksen Building
Washington, D.C. 20510

RE: Santa Clara Day School Funding Request

Dear Senator Domenici:

The Pueblo of Santa Clara would like to update you on the status of the Santa Clara Day School. Since our last correspondence dated July 9, 1997, the BIA appropriated the funding for the following:

1. Gymnasium including bleachers, setting, scoreboard, basketball goals and all other work included on the drawings and specifications.
2. Male and Female restrooms.
3. Gymnasium Lobby
4. Library Shelving
5. Cafeteria upgrade
6. BIA Bus Storage

As of to date we have received a total of $4,231,173.00. We have met with the contractor and are waiting to concur with the final cost of constructing the gymnasium. We are estimating a preliminary short fall of $200,000. The BIA will allocated the remaining funds sometime this fall.

If you have any additional questions or concerns please contact me at the address above.

Sincerely,

SANTA CLARA PUEBLO

Governor Walter Dasheno

236

SANTA CLARA
POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330

INDIAN PUEBLO
ESPANOLA, NEW MEXICO
87532
OFFICE OF GOVERNOR

March 30, 1998

Norman Suazo, Director
Bureau of Indian Affairs
Facilities Management and Construction Center
P.O. Box 1248
301 Third Street NW, 5th Floor
Albuquerque, NM 87103

Re: Funding Modification Request - Santa Clara Day School CTM25T71655

Dear Mr. Suazo:

The Pueblo of Santa Clara is requesting a modification to existing Contract No CTM25T71655 Santa Clara Day School FI&R Project. We are requesting an additional $500,000 to complete the gymnasium/cafeteria structure, which will include A/E construction oversight. In order to begin construction this summer, we are requesting a modification to our existing contract.

It is also our understanding that additional construction and equipment support funding to complete our project is continent upon FY 1999 appropriations and approval in September 1998. The balance to complete the project is estimated at $680,400.

We will be expediting this project to begin construction in May, with a coordinated effort with the Day School staff.

Mr. Mel Tafoya, Project Manager is still assigned to this project. Please work with him if other pertinent details can be accelerated.

Sincerely,

Walter Dasheno
Governor Walter Dasheno

xc: Frank Norstrum, Principal
Rowena Gibson, School Board President
Glenn Trujillo, FMCC

Post-it® Fax Note 7671

Date 3/31	# of pages ▶ 1
To Norman Suazo	From Mel Tafoya
Co./Dept. FMCC	Co. Santa Clara Pue.
Phone # (505) 766-3580	Phone # (505) 753-7326
Fax # (505) 766-2823	Fax # (505) 753-8988

SANTA CLARA INDIAN PUEBLO
POST OFFICE BOX 580
(505) 753-7326
ESPANOLA, NEW MEXICO
87532

July 14, 1997

Bureau of Indian Affairs
FMCC
P O Box 1248
Albuquerque, NM 87103
ATTN Norman Suazo FMCC Director

RE: Update Santa Clara Day School Funding Request

Dear Mr Suazo

The Pueblo of Santa Clara is forwarding its request and follow-up to your staffs request for supplemental information Our request is as follows

Funding shortfall as of July 1, 1997

1) GYMNASIUM ($465,000)
The school was using the community gymnasium located off campus However, the tribal facility is over 25 years old and needs general remodeling An electrical fire in February also shut down most of the power in the facility A school gymnasium is needed on school grounds so that students would not have to spend valuable time and effort walking across to the main tribal office/gymnasium building to attend normally provided school activities The gym on campus will serve also as an larger area for school luncheons and large school events including P.E. classes For the safety of our staff and students the gymnasium has become a very high priority

2) LIBRARY SHELVING AND MISCELLANEOUS FURNISHINGS ($25,000)
The redesign and now complete library building has no shelving for books The books are being stored in boxes until the materials can be properly displayed Approximately $25,000 is needed for laminated shelving, librarian office furnishings, chairs and reading tables The BIA meeting last month addressed our issue We were informed to add a line item We suggest that an existing line item be used if possible The BIA was contacted to furnish some desks and chairs, however, tables and shelving were not available to us

3) CAFETERIA RESTROOM AND GYM/CAFETERIA LOBBY ($38 [illegible]
The design plan was to provide restrooms for the students and teachers adjacent the cafeteria as required in basic health and safety requirements. The present cafeteria only has one kitchen staff restroom of which is not up to ADA standards. The lobby area would provide physical access between buildings for large gatherings. The cafeteria/gym connection would provide overflow capabilities.

4) PLAYGROUND STRUCTURES ($45,200)
Playground structures are necessary to provide a safe and healthy focal point for students to utilize. Specification of the units are attached. BIA staff requested additional specifications. Basically, playground structures run $20,000 per unit plus installation charges, i.e. sand or suitable cushioning material, concrete borders to keep sand in the area. Handicap accessability and construction/erection supervision.

5) WALKWAY COVERS ($70,000)
The original approved plan was to build walkway covers (portal type) between the classrooms and buildings. Due to a lack of funding to construct the first phase the walkway covers were scaled back. The walkway covers are necessary to provide a safe route between buildings during the winter months when snow and ice are a safety problem. Walkway covers will also be luminated at night for evening activities, thus providing a safer path. Cost was re-calculated to reflect current structures desired.

6) BASEBALL FIELD BACKSTOP ($3,500)
The completion of the baseball field lacks only the installation of a backstop, dugouts, automated sprinkler system. Outfield fencing have been purchased and installed. Backstop will help prevent accidents and is a component of a regulation playing field. The school sought private funding to complete most of the ballfield structures to date including, benches, water hydrants, outfield and baseline fencing, dugouts and planted grass outfield with sprinkler system.

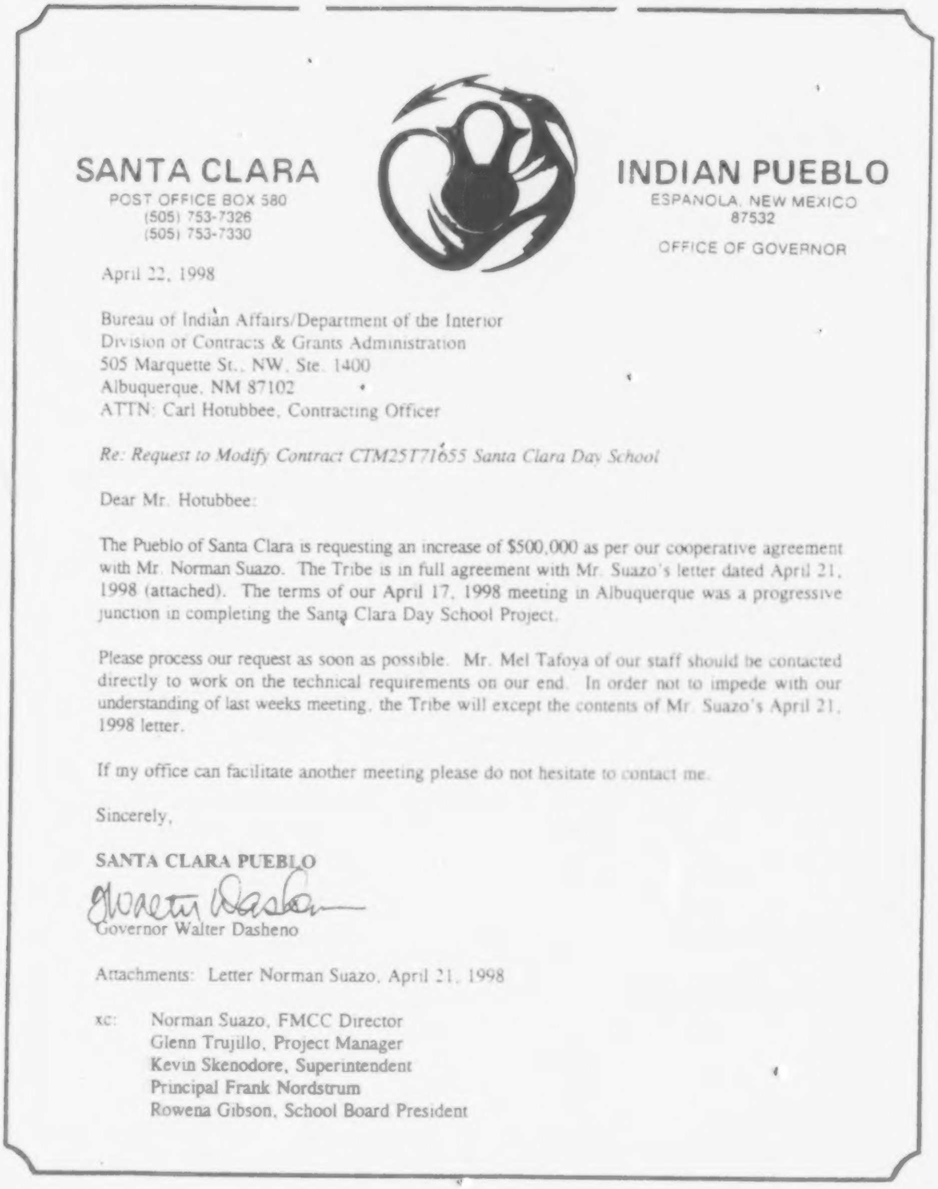
7) LANDSCAPING ($27,000)
Bureau of Indian Affairs funded only 50% to complete landscaping. An additional $27,000 is needed to control dust and dirt from being tracked inside carpet areas, natural shade, pleasant atmosphere to strengthen the learning atmosphere, erosion control, and safety. See plans for approved lay-out details.

Santa Clara is requesting FY '98 supplemental BIA appropriation funds to complete the project through the New Mexico Delegation this week in Washington D.C. If you require any supplemental justification for our request please contact Mr. Mel Tafoya, Tribal Planner, at (505) 753-7326 extension 207 or myself at the address above.

Sincerely,

Francis Tafoya
Francis Tafoya
Lt. Governor

cc: Glenn Trujillo, BIA/FMCC



SANTA CLARA **INDIAN PUEBLO**
POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330
ESPANOLA, NEW MEXICO
87532
OFFICE OF GOVERNOR

April 22, 1998

Bureau of Indian Affairs/Department of the Interior
Division of Contracts & Grants Administration
505 Marquette St., NW, Ste. 1400
Albuquerque, NM 87102
ATTN: Carl Hotubbee, Contracting Officer

Re: Request to Modify Contract CTM25T71655 Santa Clara Day School

Dear Mr. Hotubbee:

The Pueblo of Santa Clara is requesting an increase of $500,000 as per our cooperative agreement with Mr. Norman Suazo. The Tribe is in full agreement with Mr. Suazo's letter dated April 21, 1998 (attached). The terms of our April 17, 1998 meeting in Albuquerque was a progressive junction in completing the Santa Clara Day School Project.

Please process our request as soon as possible. Mr. Mel Tafoya of our staff should be contacted directly to work on the technical requirements on our end. In order not to impede with our understanding of last weeks meeting, the Tribe will except the contents of Mr. Suazo's April 21, 1998 letter.

If my office can facilitate another meeting please do not hesitate to contact me.

Sincerely,

SANTA CLARA PUEBLO

Walter Dasheno
Governor Walter Dasheno

Attachments: Letter Norman Suazo, April 21, 1998

xc: Norman Suazo, FMCC Director
Glenn Trujillo, Project Manager
Kevin Skenodore, Superintendent
Principal Frank Nordstrum
Rowena Gibson, School Board President

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
FACILITIES MANAGEMENT & CONSTRUCTION CENTER
ALBUQUERQUE PLAZA OFFICE TOWER
3rd & 5th FLOOR
201 3rd STREET, NW
P.O. BOX 1248
ALBUQUERQUE, NEW MEXICO [illegible]

IN REPLY REFER TO
105-40

APR 2 1 1998

Walter Dasheno, Governor
Pueblo of Santa Clara
Post Office Box 580
Espanola, New Mexico 87532

Ref: Santa Clara Day School Gym, Project No. 99M01

Dear Governor Dasheno:

Thank you for the opportunity to meet and discuss this project with you and your staff on April 17, 1998. The meeting was positive and helped both parties to reach a better understanding of each other's thinking relative to the project. The list of persons attending this meeting is attached.

The following summarizes the meeting:

1. The BIA plans on modifying the existing P.L. 93-638 contract in the amount of $500,000. The modification will allow the Pueblo of Santa Clara (Tribe) to begin construction of the gym this summer. The Tribe will provide a written request to amend the existing P.L. 93-638 contract. The remaining funds to complete the project, currently estimated at $180,400 as indicated in our April 2, 1998 letter to you, will be subject to change based on further negotiation and agreement with the Tribe. The amount agreed upon will be provided in FY 1999.

2. The Tribe will determine whether the bleachers are already included in the building construction estimate. Mel Tafoya will provide his findings and a copy of the original estimate to Norman Suazo.

3. Covered Walkways. The BIA will reopen discussions and negotiations on this item. The Tribe will provide an alternative cost proposal for the covered walkways as soon as a proposal can be obtained from the Tribe's construction contractor. The objective is to provide the covered walkways in a more cost effective manner.

4. The tribe will provide a spreadsheet showing comparative data relative to:
    a) the original request for funds to complete remaining work
    b) the $315,000 already provided
    c) the remaining funds needed to complete the project
    d) the clarification that the BIA will not provide funds for the playground structures, landscaping and baseball field backstop

5. BIA staff will meet again with your staff to reach agreement on the amount of funds and scope of work remaining to be funded in FY 1999. This meeting will take place after the above clarifications and spreadsheet are provided to the BIA.

6. The scope of work under contract modification No. 11 in the amount of $315,000 must still be completed by the Tribe. Any savings after completion of the work under modification No. 11, and the upcoming gymnasium modifications, may be used for unfunded items in 4(d) above.

If any of the above are not in accordance with the understandings reached in the meeting, please let me know. We are committed to working with you to find mutually acceptable solutions to the educational needs of the Pueblo of Santa Clara.

Sincerely,

ACTING Director, Facilities Management and
Construction Center

Attachment: List of Attendees

cc: Kevin Gover, Assistant Secretary - Indian Affairs (w/cy)
Frank Norstrum, Principal, Santa Clara Day School (w/cy)
Rowena Gibson, School Board President (w/cy)
Kevin Skenadore, Northern Pueblos Agency Superintendent for Education, BIA (w/cy)
Andy Bird, Contracts Specialist, Division of Contracting & Grants Administration (w/cy)

Santa Clara Day School gym

Name	Organization/[illegible]	Phone No
Stella [illegible]	ERICC - Consultant - Contract Specialist	248-6320
Mel Tafoya	Santa Clara Pueblo - Project Manager / Admin Planner	Ext 207 753-7326
Alvin Warren	Santa Clara Day School Board Member	753-7326
CALVIN TAFOYA	SANTA CLARA PUEBLO	753-7330
WALTER DASHENO	GOV. SANTA CLARA	753-7330
Norman T. Suazo	Chief, DIV of PR&I	766-2466
GILBERT TAFOYA	S.C.P	753-7326

BEST COPY AVAILABLE

Crownpoint Community School
(T'IIST'SOOZI'BI'O'LTA)

HISTORY

T'iist'soozi'bi'o'lta, commonly known as Crownpoint Community School is a Bureau of Indian Affairs school located on the eastern border of New Mexico portion of the Navajo Nation. T'iist'soozi'bi'o'lta was built in 1962 to accomodate 1000 students. During the 60's due to economic factors, there was an influx of students who were sent to boarding schools. Enrollment began to decrease in the 1980's due to the availability of public and privates schools, housing developments, improved transportation, employment opportunities and establishment of school boundaries.

T'iist'soozi'bi'o'lta serves grades Kindergarten through Eighth. Early Childhood education is being provided through the Family and Child Education Program. At present, the school operates one co-ed dormitory which accomodates an average of 80 (eighty) students each year. The other students are bused in daily on seven buses carrying approximately sixty (60) students each.

MISSION STATEMENT and GOALS

The mission statement of our school is: Creating Capable Students at T'iist'soozi' bi'o'lta for tomorrow's world. The mission and goals clearly articulate the expectations of students, staff and its education community. Our goal is to challenge students to their full potential; to consider each child's learning style and background; to develop appropriate curriculum; to promote student success and to create life long learners.

ACCREDITATION

T'iist'soozi'bi'olta was first accredited by Navajo North Central Accreditation in 1985. The school remained accredited with NNCA until 1992. The school became accredited with New Mexico State Department of Education in 1993 and remains in accredited status to date. At present, the school is at the candidacy status with the Navajo North Central Accreditation. Plans for this school year is to begin the transition process in hopes to become fully accredited with NNCA by the end of next school.

SCHOOL ORGANIZATION

A total of 130 staff work at T'iis'soozi'bi'o'lta. There are 41 staff who are professional employees and 88 are classified employees. Of the professional staff, 25 are Native American and 16 who are non-Indian. The average level of teaching experience at the school is 15 years in education. The pupil-teacher ratio is about 22 to 1.

ASSESSMENT

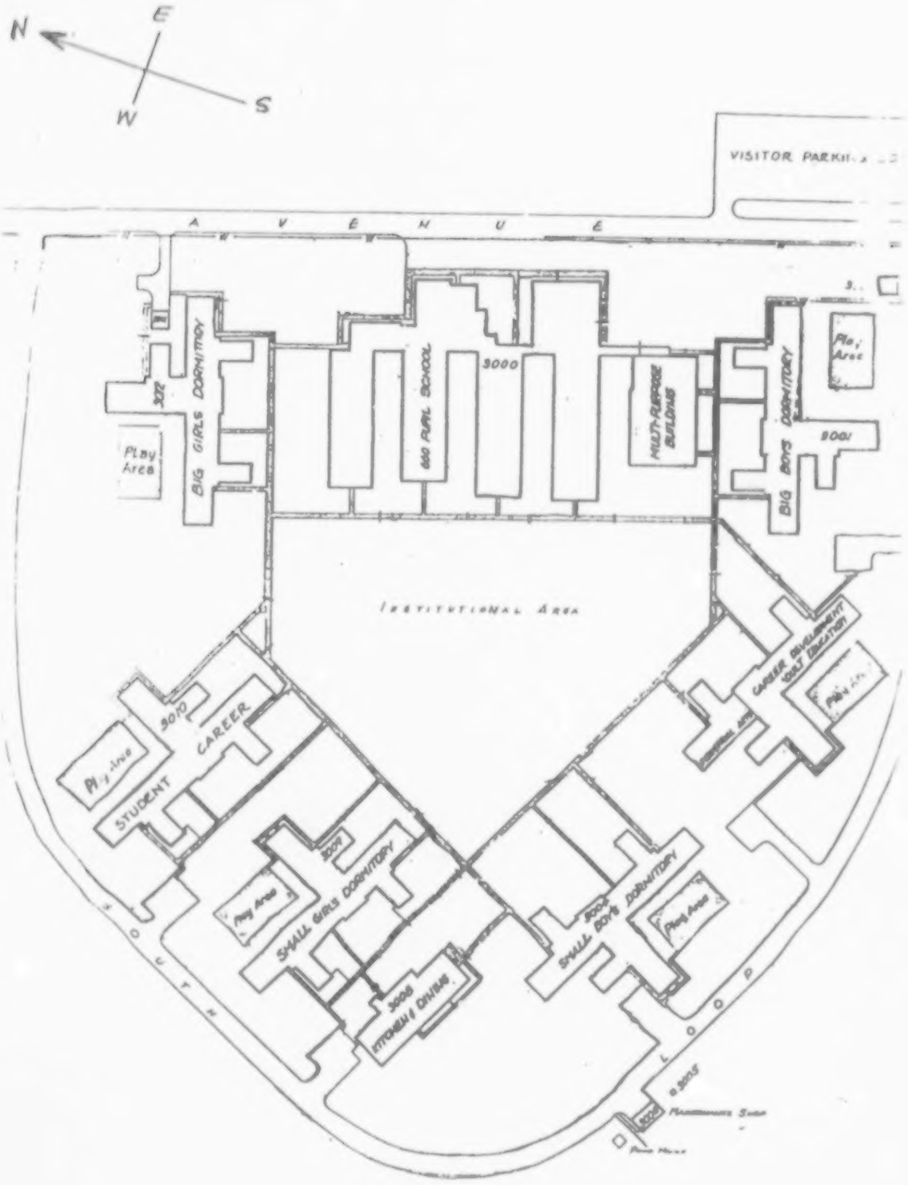
T'iist'soozi'bi'o'lta tested students in grades 1 - 8 during school year 1994 - 95 and used the fourth edition of the Comprehensive Tests of Basic Skills (CTBS). Students in grades 4th and 8th were assessed during school year 1995 - 96. The scores were compared to the national average NCE which is 50. The assessment indicated that across all grade levels and subtests with the exception of mechanic and math computation at the 8th grade level, the scores are substantially lower than the national average. Some of this may be attributed to linguistic and cultural differences between the student population at CCS and the national norm group which is predominately White and middle class from urban areas. As previously mentioned, Crownpoint is located in a region that is remote, isolated and rural. Many students come to school speaking Navajo as their first language and have limited English proficiency.

CURRICULUM

A core curriculum to address all content areas is being developed. Language Arts, Math and Science curriculum have been developed by the academic staff and implemented this school year. Social Studies and Fine Arts curriculum will be developed this coming school year. The goal is to have a working curriculum by the year 2000. The state standards, competencies and benchmarks are incorporated into the curriculum. HighScope curriculum is being used in grades K-3 since 1993 and extended through sixth grade this school year. All staff in grades K-6 have received HighScope training and technical assistance is provided and on-going each school year.

PROGRAMS

In addition to the basic instructional program, the school also provides educational support through the following federal programs: Title I, Title IV, Title IX, Gifted & Talented, Intense Residential Program and Title II. School provides parent trainings, hosts parent day, and provides activities to promote parental involvement throughout the school year. Staff trainings are scheduled and provided during the school year. Trainings are provided to support and improve instruction. Students are provided opportunities to participate on educational field trips, fine arts events and recreational activities throughout the school year.


N
E
W
S
VISITOR PARKI
AVENUE
BIG GIRLS DORMITORY
3012
Play Area
660 PUPIL SCHOOL
3000
MULTI-PURPOSE BUILDING
BIG BOYS DORMITORY
3001
Play Area
INSTITUTIONAL AREA
3010
STUDENT CAREER
Play Area
CAREER DEVELOPMENT ADULT EDUCATION
Play Area
3009
SMALL GIRLS DORMITORY
Play Area
3008
KITCHEN & DINING
3004
SMALL BOYS DORMITORY
Play Area
SOUTH LOOP
3005
Maintenance Shop
Pump House

Crownpoint Community School, also called T'IIST'SOOZI'BI'O'LTA, was built in 1962. The school facilities have not had any major repairs or up grading since its construction. General routine maintenance which is required by the FACCOM system for this location has been followed.

For the past thirty-five (35) years, since the school was constructed, the school has experienced several major incidents due to wear and tear. First, major roof leaks occurred during inclement weather. Second, the school's electrical system has been a major problem due to not being able to meet demands to add new technology to align our school with Goals 2000 or the school's curriculum. And then to, the sewer and plumbing systems are a major problem due to deterioration, rusting, scaling, and collapsing sewer pipes. The concrete pipes age and deteriorate due to time and soil moisture combination. Furthermore, the fire protection program has experienced problems with the water supply system to fire hydrants. It has been found to be a major safety deficiency due to old rusting underground steel pipes rupturing during the process of the national fire protection codes testing and when in general use during an emergency operation.

Bear in mind, that these facilities were constructed and designed 35 years ago. The underground fuel-oil storage tanks are also 35 years old. The school has a total of eight (8) 6,000 gallon underground fuel storage tanks and one (1) 8,000 gallon underground fuel storage tank. The EPA, Environmental Protection Agency, requires by law, that these underground storage tanks be up-graded or remove after twenty (20) years of service. The underground fuel storage tanks are still in service today to provide heating for the school.

In addition, the school has nineteen (19) low pressure hot water boilers for heating. Of these nineteen (19) boilers, six (6) boilers are inoperative due to their parts being needed to repair boilers at other school locations within the Eastern Navajo Agency schools. These boiler parts were utilized in emergency situations by schools in this agency for work repair. The labor was provided by the Agency Work Center skills crew.

Another concern is that the building structures have deteriorating concrete and brick work making evident cracks and damages due settling of ground and stress over time. There are a total of fifteen (15) building structures on campus. Of the fifteen (15) building structures, eight (8) are being use for educational purposes and five (5) are utilized as support services by Facility Management of the school. There are Two (2) buildings being used as office spaces which are rented to other non-profit organizations or Tribal offices and programs. There is also a FACE Program (Family and Children Education) on site which shares a building with the Agency SPED Program (Special Education Program).

Most of the buildings being used as office space, and those being rented by non-profit organizations, have major problems with floors that are uneven which are no longer considered safe due to the present sewer pipe problems. Such problems are not in compliance with the current Uniform Building Codes standard. In that same building (3004), a Preschool / Head Start Program is using space in the old dormitory wings. This dormitory wing is not an ideal place for a Preschool / Head Start Program to hold its classes as it is not in compliance with the current Uniform Building Codes. Furthermore, the fire escape does not meet Building Codes if space is to be used as classrooms.

Another focus of concern is the asbestos in the school facilities although the school is in compliance with AHERA: 40 CFR 763.of 1986, Public Law 99-519, and the United States Environmental Protection Agency Rule. The school has a total of 249,623 square feet of buildings recorded by the Bureau of Indian Affairs Facilities Management and Construction Center for Homogeneous Areas Containing Asbestos. Most asbestos has never been removed and most are in undamaged or minor damage condition as reported in the 1996 Reinspection. Minimal asbestos abatement work has been performed as of the 1996 Reinspection. Furthermore, the fire safety and fire protection sprinkler system are not installed in the dormitory which is used by student residents during school year. The present fire alarm system is an old Gamewell system which was installed during the 1962 construction of the dormitories and school buildings. Since that time, features such as strobe lights have been added to the Gamewell system.

The school has a of list Major Repairs and Improvements (MI & R) on file with Facilities Management and Construction Center which total at a cost of 2.2 million dollars on Back Log FY-97. These cited MI & R findings must be repaired to improve the facilities for students to continue their education. A list of such deficiencies is attached.

To ensure a proper and safe learning environment approximately 2.2 million dollars will be needed in supplemental funding for Crownpoint Community school. However, with the increasing list of deficiencies and repairs or renovations it would be of greater benefit to build a completely new schooll facilities for Crownpoint Community at an approximate cost of 30 million dollars.

This remote school site is located approximately 65 miles from the nearest town and 145 miles from the nearest urban center.

Date: November 20, 1997
Fr: Crownpoint Community School Safety Committee
Re: Request for Assistance
To: Crownpoint Agency Facility Manager

Dear Sir;

Our school's safety committee has learned of several safety deficiencies. We hope that you will have time to consider the following matters that are of concern to us here at CCS:

01. Parking Areas.

We are a school with an enrollment of 600 students and over 100 staff. The present parking area is inadequate and unsafe as it is shared by the transportation department, employees, and visitors. The bus parking for loading / unloading students is not large enough to accommodate the number of buses currently in use. Furthermore, private vehicles often block the roadway and create additional traffic and pedestrian hazard. This parking area is also unpaved and along the side of the street north of the school building. This parking issue has been identified as a safety deficiency in the Safety and Health Inspection Report (Notice of Unsafe or Unhealthful Condition) -- RPT S-97-N-094.

02. Alarm System.

Of greatest concern, is that the committee has learned that our dormitory building No. 3012, which houses 125 residential students Mondays through Fridays, is not in compliance with fire safety standards. The dormitory's present Fire Alarm System is located in a mechanical room external to the dormitory causing alarm system monitoring problems. Furthermore, the smoke detectors are directly connected to a 120 volt power source without D.C. power back up. The detectors also are not connected to the Gamewell Fire Alarm system. OSHA specifically requires that an alarm system be in place which is in compliance with 1910.165.

03. Electrical Power.

Our school is also in need of additional electrical power drop and power panels to accommodate the increase use of educational technology. At present, we have found that numerous employees have been utilizing extension cords that are fused and multi-outlet. Such use has resulted in overloading fuses, outlets, and circuits. We are calling your attention to this matter as we want to prevent electrical fires and focus on fire safety. Our school has installed additional electrical outlets as required by current building codes, however, the available power is not enough to accommodate educational technology. Our facility management's POR Backlog 1997 report shows evidence of this matter (reference at 39 S/A S626 1, 44 S/A S646 1).

WITHOUT COMPLETED BACKLOGS [illegible] FACILITIES ONLY
WITHOUT QUARTERS DETAIL OF IMPROVEMENT [illegible] ITEMS BY BUILDING WITHIN PAGE [illegible]
M34-23 CROWN POINT BDG. SCH [illegible] CONGRESSIONAL DISTRICT 02 N.MEX.

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	F&I COSTS
BUILDING X01 - SITE IMPROVEMENTS						
1	S/A	M005	2	DEMOLISH BUILDING #3009. MAKE TEMPORARY REPAIRS ON SIDEWALK AT NORTHEAST CORNEROF THE BUILDING.		90,000
2	S/A	M008	2	REPLACE ROOFS, EAVES AND DECKING ON ALL CLASSROOMS AND DORMITORIES BUILDINGS.		500,000
3	S/A	S031	1	REPAIR CONCRETE SIDEWALKS, STAIRS AND STEPS LOCATED ON THE SOUTHWEST PORTION OFTHE CAMPUS.		15,000
4	S/A	S041	1	INSTALL HANDRAILS AND RAMP OF 4 FEET DROP LOCATED AT THE NORTHWEST END OF MAIN SCHOOL ACCESSES TO THE DORMITORY.		2,500
5	S/A	S054	1	REPAIR SIDEWALKS AND STAIRS LEADING FROM BUILDING 3003, EAST SIDE.		3,000
				***TOTAL FOR BUILDING X01		$600,500
BUILDING 3000 - SCHOOL ELEMENTARY-BOARD						
1	S/A	B003	2	INSTALL HANDICAP FACILITIES IN BOYS AND GIRLS RESTROOMS (WING 4).		20,000
2	S/A	B011	2	INSTALL RAMP WITH COMPLETE RAILING AT EAST AND WEST EXIT BETWEEN WING 1 AND 2.		3,500
3	S/A	B012	2	INSTALL HANDICAP FACILITIES IN EACH BATHROOMS.		20,000
4	S/A	M008	2	INSTALL EXHAUST VENTILATION SOURCE IN ROOM 152.		2,500
5	S/A	M011	2	INSTALL POWER VENTILATOR IN LADIES STAFF BATHROOM.		2,500
6	S/A	M043	2	INSTALL ELECTRIC POWER VENTILATORS IN BOYS STAFF BATHROOMS.		2,000
7	S/A	M044	2	INSTALL ELECTRIC POWER VENTILATORS IN BOTH GIRLS AND BOYS BATHROOM.		2,000
8	S/A	M049	2	INSTALL POWER VENTILATORS IN BOTH SMALL EMPLOYEE RESTROOMS.		2,000
9	S/A	S027	1	REPLACE THE THREE DOORS LEADING FROM THE CORRIDOR INTO THE OFFICES WITH 20 MINUTE RATED DOORS AND FRAMES. INSTALL DOOR CLOSERS.		3,000
10	S/A	S028	1	REPLACE THE NON-RATED SLIDING GLASS WINDOW IN THE CORRIDOR AT THE OFFICE AREA WITH FIRE RATED WINDOWS. ALSO, REPLACE THE FIXED WINDOWS WITH FIRE RATED WINDOWS.		[illegible]
11	S/A	S043	1	INSTALL A SPRINKLER SYSTEM TO PROTECT THE STAGE IN THE NORTH GYM.		5,000
12	S/A	S047	1	REPLACE THE CORRIDOR DOOR TO ROOM 140 IN WING 3 WITH A FIRE RATED DOOR/FRAME.		1,000
13	S/A	S049	1	REPLACE THE DOOR TO THE MAILROOM WITH FIRE RATED DOOR/FRAME.		1,000
14	S/A	S050	1	REPLACE THE TWO ERODED STEPS AT THE WEST EXIT DISCHARGE, NEAR THE GIRLS LOCKER AREA EGRESS TO THE MAIN CORRIDOR.		2,000
15	S/A	S058	1	REPLACE THE TWO CORRIDOR DOORS TO THE LIBRARY WITH FIRE RATED DOORS/FRAMES.		2,000
16	S/A	S060	1	REPLACE THE TWO OFFICE DOORS IN THE SMALL CORRIDOR BETWEEN THE BUDGET ROOM AND MAIN NORTH-SOUTH CORRIDOR WITH FIRE RATED DOORS/FRAMES.		1,500
17	S/A	S065	1	REPLACE THE CORRIDOR DOOR TO ROOM 109 WITH FIRE RATED DOOR/FRAME.		1,000
18	S/A	S104	2	INSTALL ELECTRIC POWER VENTILATORS IN WING 1 STUDENT AND STAFF BATHROOMS.		4,000
19	S/A	S122	1	INSTALL SPRINKLER SYSTEM IN JANITORS CLOSET, (4) IN CLASSROOM, GIRLS LOCKER EGRESS, ROOM 103A, AND ONE AT SMALL CORRIDOR EAST (LARGE MEETING ROOM SOUTH OF THELIBRARY.		30,000
20	S/A	S123	1	INSTALL FOUR MORE RECEPTACLES IN EACH CLASSROOMS OF BUILDING 3000.		25,000
21	S/A	S130	1	INSTALL ADDITIONAL EGRESS DOOR NEAR THE BOYS LOCKER ROOM.		5,000
22	S/A	S133	1	INSTALL 20 MINTUTE FIRED SERVICE COUNTER ROLLING SHUTTER LOCATED IN ROOM 139.		1,500
23	S/A	S204	1	INSTALL LANDING OF SAME HEIGHT AS FLOOR AT SOUTHEAST EXIT OF THE BUILDING #3000		2,000
24	S/A	S210	1	INSTALL ROOF OR CANOPY COVER OVER THE SOUTHEAST EXIT (DOORWAY) IN NORTH GYM.		2,000
25	S/A	S243	1	INSTALL LANDING SAME HEIGHT AS FLOOR ELEVATION AT WEST EXIT DOOR (MAIN HALWAY) BETWEEN WING 2 AND WING 3.		1,500
26	S/A	S265	1	INSTALL LANDING SAME HEIGHT AS THE FLOOR EVELVATION OF ABOUT 6" AT THE EAST ANDWEST EXIT OF THE MAIN HALLWAY.		1,500
27	S/A	S313	1	INSTALL LANDING HEIGHT EVEN WITH FLOOR ELEVATION OF 6" AT SOUTH EXIT DOOR.		1,500
28	S/A	S315	1	INSTALL LANDING SAME AS THE FLOOR ELEVATION AT THE SOUTH EXIT DOOR OF HEADSTART		2,000
29	S/A	S370	1	INSTALL LANDING HEIGHT EVEN WITH FLOOR/DOOR ELEVATION (ABOUT 6" AT THE SOUTH MAIN HALLWAY EXIT).		1,500

WITHOUT COMPLETED BACKLOGS BUREAU FACILITIES ONLY
WITHOUT QUARTERS DETAIL OF IMPROVEMENT [illegible] REPAIR COSTS BY [illegible] ITEMS BY BUILDING WITHIN PAGE [illegible]
N34-23 CROWN POINT BDG. SCH [illegible] NAVAJO AGENCY [illegible] CONGRESSIONAL DISTRICT 02 N.MEX.

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
30	S/A	S373	1	REPLACE SIDEWALK AND RAISED CONCRETE SECTION (SLOPED) SO THAT THE SIDEWALK INTERSECT AT SAME LEVEL (BETWEEN SOUTH GYM, MAIN BUILDING, AND EAST/WEST SIDEWALK).		2,000
31	S/A	S374	2	INSTALL NEW PARTITION WITH DOORS IN BOYS RESTROOM (WING 4).		4,000
32	S/A	S410	1	INSTALL THREE PARTITION W/DOORS (STALLS) IN BOY'S RESTROOM, WING 4.		3,000
33	S/A	S481	2	INSTALL PARTITION WITH DOORS IN BOY'S RESTROOM IN WING 1.		2,000
34	S/A	S482	2	INSTALL PARTITION WITH DOORS IN GIRLS RESTROOM IN WING 1.		2,000
35	S/A	S511	2	INSTALL PARTITION WITH DOORS IN GIRL'S RESTROOM, WING 3.		2,000
36	S/A	S548	1	RE-INSTALL DOORS AT NORTH ENTRANCE/EXIT OF NORTH GYM.		3,000
37	S/A	S621	2	INSTALL VENT IN THE RESTROOM - ROOM 136.		3,000
38	S/A	S624	2	REPAIR THE VENT IN THE RESTROOM - ROOM 135.		50
39	S/A	S626	1	INSTALL ADDITIONAL ELECTRICAL OUTLETS AS REQUIRED BY CURRENT BUILDING CODES.		10,000
40	S/A	S629	2	INSTALL VENT IN THE RESTROOM - ROOM 134.		3,000
41	S/A	S638	1	INSTALL VENT IN RESTROOM - ROOM 133.		3,000
42	S/A	S640	2	INSTALL VENT IN RESTROOM - ROOM 132.		3,000
43	S/A	S643	2	REPAIR THE VENT IN THE RESTROOM - ROOM 131.		3,000
44	S/A	S646	1	INSTALL ADDITIONAL ELECTRICAL OUTLETS AS REQUIRED BY CURRENT BUILDING CODES IN ALL ROOMS.		10,000
45	S/A	S650	2	INSTALL VENT IN THE RESTROOM - ROOM 130.		3,000
46	S/A	S660	2	INSTALL VENT IN THE RESTROOM - ROOM 123.		3,000
47	S/A	S664	2	INSTALL VENT IN THE RESTROOM - ROOM 122.		3,000
48	S/A	S671	2	INSTALL VENT IN THE RESTROOM - ROOM 120.		3,000
49	S/A	S675	2	INSTALL VENT IN THE RESTROOM - ROOM 119.		3,000
50	S/A	S679	2	INSTALL VENT IN THE RESTROOM - ROOM 118.		3,000
51	S/A	S689	1	INSTALL PROTECTIVE COVERING OVER STEAM HEAT PIPES THROUGHOUT THE FACILITY.		10,000
52	S/A	S696	1	REPLACE BROKEN WALL TILES IN BOYS' SHOWER ROOM - NORTH GYM.		1,000
				***TOTAL FOR BUILDING 3000		$230,050

BUILDING 3001 - MULTI-PURPOSE AREA

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
1	S/A	M009	2	INSTALL HANDRAILS AND CONSTRUCT THIRD STEP AT THE WEST EXIT DISCHARGE (BOTH) STEPS. THE EXISTING STEPS IS IRREGULAR, SECOND STEP HEIGHT IS OVER ONE FOOT. .		1,500
2	S/A	M011	2	REPLACE STEPS WITH RAMPS AT EAST SLEEPING WING EXIT DISCHARGE STAIRS.		2,500
3	S/A	S005	1	INSTALL ACCESS RAMPS AND ACCESSIBLE FIXTURES THROUGHOUT THE BUILDING.		25,000
4	S/A	S024	1	REPLACE THE WINDOWS AT THE OFFICE CORRIDORS WITH FIRE RATED GLASS.		1,000
5	S/A	S067	1	INSTALL 3/4 SELF CLOSING FIRE RATED ASSEMBLIES DOORS AT LAUNDRY ROOM AND LIVINGROOM SOUTH WEST CORNER.		3,000
6	S/A	S068	1	INSTALL 3/4 HOUR FIRE RATED ASSEMBLES DOOR AT NORTH END OF WEST LAUNDRY/STORAGEAREA ROOM 116.		3,500
7	S/A	S069	1	INSTALL SELF CLOSING 3/4 HOURS FIRE RATED ASSEMBLIES DOOR AT JANITOR CLOSETS (THREE LOCATION).		4,500
8	S/A	S070	1	INSTALL SELF CLOSING 3/4 HOUR FIRE RATED ASSEMBLIES DOORS AT LINEN ROOM.		3,500
9	S/A	S071	1	INSTALL SELF CLOSING 3/4 HOUR FIRE RATED ASSEMBLY DOOR AT EAST LAUNDRY/STORAGE ROOM.		2,500
10	S/A	S073	1	REPLACE WEST CORRIDOR DOOR INTO THE LIVING ROOM WITH NEW FIRE RATED DOOR/FRAME.		1,500
11	S/A	S074	1	INSTALL 20 MINUTE SELF CLOSING FIRE RATED DOORS ASSEMBLY AT THE THREE DOUBLE SWING DOORS SEPARATING THE SLEEPING WINGS.		3,000
12	S/A	S077	1	REPLACE TWO DETERIORATED EXIT DOORS AT EAST EXIT IN EAST SLEEPING WING.		3,000
13	S/A	S080	1	INSTALL SECOND MEANS OF EGRESS (EXIT DOOR) COMPLETE WITH EXIT DISCHARGE AND EXIT LIGHT AT THE SOUTH EXTERIOR IN THE EAST LINEN ROOM.		3,500
14	S/A	S082	1	INSTALL TWO SMOKE BARRIERS (PARTITION) EACH SIDE OF LIVING ROOM WITH COMPLETE DOUBLEWING 20 MINUTE SMOKE ASSEMBLY DOOR SET.		5,000
15	S/A	S083	1	INSTALL ELECTRICAL SMOKE DETECTORS IN EACH APARTMENTS (TWO).		1,800

WITHOUT COMPLETED BACKLOGS [illegible]
WITHOUT QUARTERS DETAIL OF IMPROVEMENT TO REPAIR COSTS BY SAFETY ITEMS BY BUILDING WITHIN PAGE 2031
N34-23 CROWN POINT BDG. SCH EASTERN NAVAJO AGENCY [illegible] CONGRESSIONAL DISTRICT 03 N.MEX.

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
16	S/A	S086	1	INSTALL RESCUE COMPLIANT WINDOW IN EACH OF THE TWO BEDROOM IN EACH APARTMENT. (4 WINDOWS)		5,000
17	S/A	S098	1	INSTALL DIRECT LINE WIRED ELECTRICAL SMOKE DETECTOR IN THE DORM AREA OF YOUTH CRISIS CENTER (BOYS).		10,000
18	S/A	S101	1	INSTALL DIRECT LINE WIRED ELECTRICAL SMOKE DETECTOR IN ALL SLEEPING ROOM.		15,000
19	S/A	S106	1	INSTALL 20 MINUTE FIRE RESISTANCE BEAMS.		20,000
20	S/A	S108	1	INSTALL HANDICAP RAMP ACCESS TO SECONDARY MEANS OF EGRESS DOOR.		2,500
21	S/A	S109	1	INSTALL 20 MINUTE SMOKE RESISTANCE DOOR IN SLEEPING ROOM DOORS, INSTALL VENT AND MAKE UP AIR UNITS.		15,000
22	S/A	S111	1	CONVERT DIESEL STORAGE TANK LOCATED ON THE SOUTHEAST SIDE OF BUILDING TO LP GAS.		15,000
23	S/A	S145	2	INSTALL PARTIITION WITH DOORS IN WOMEN'S RESTROOM, SOUTH WING.		3,000
24	S/A	S155	1	INSTALL ADDITIONAL ELECTRICAL OUTLETS AS REQUIRED BY CURRENT BUILDING CODES.		10,000
25	S/A	S159	1	INSTALL ADDITIONAL ELECTRICAL OUTLETS AS REQUIRED BY CURRENT BUILDING CODES - SOCIAL SERVICES.		10,000
26	S/A	S160	2	REPAIR RESTROOM - SOCIAL SERVICES.		5,000
				***TOTAL FOR BUILDING 3001		$178,300

BUILDING 3002 - GYM

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
1	S/A	H003	2	INSTALL HANDICAP ACCESS INTO THE BUILDING AND INSTALL HANDICAP APPURTENANCES INTWO LOCKER AREA.		25,000
2	S/A	M015	1	INSTALL POWER VENTILATION IN THE TWO RESTROOMS AT THE LOBBY.		2,500
3	S/A	M017	2	INSTALL ROOF VENTILATOR NEAR THE CENTER STAGE.		1,500
4	S/A	S008	1	EXPAND THE EXITS FROM THE GYM. GYM AREA CAPACITY EXCEEDS EXIT DOOR CAPACITY.		10,000
5	S/A	S020	1	REPLACE THE DOORS AT THE BOTTOM OF THE STAGE STAIRS, BETWEEN THE STAGE AREA ANDTHE GYM, WITH FIRE RATED DOORS/FRAMES.		1,500
6	S/A	S022	1	INSTALL NEW AUTOMATICALLY CLOSING FIRE RATED CURTAINS AT THE STAGE.		5,000
7	S/A	S042	1	INSTALL TWO HANDRAILS AT EAST STEPS MAIN EXIT DISCHARGE (WIDTH'S 1/3 POINTS).		1,300
8	S/A	S046	1	REPLACE DETERIORATED AND INOPERABLE BLEACHERS.		100,000
9	S/A	S047	1	INSTALL ADDITIONAL RISER AT LOWER END AND HANDRAILS AT THE GYM'S SOUTHWEST EXITDISCHARGE.		4,500
10	S/A	S049	1	INSTALL SPRINKLER SYSTEM IN GYM (STAGE AREA).		10,000
11	S/A	S052	1	INSTALL HANDRAILS ON THE EXIT DISCHARGE STAIRS AT THE NORTHEAST EXIT FROM THE GYM AREA.		2,000
12	S/A	S090	2	INSTALL PARTITION WITH DOORS IN THE GIRL'S RESTROOM.		3,500
				***TOTAL FOR BUILDING 3002		$166,800

BUILDING 3003 - OFFICE-GENERAL

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
1	S/A	H002	2	REPLACE THE DETERIORATED RAMP AT THE TWO EXTERIOR CONCRETE RISERS DISCHARGING NORTH FROMT THE CAREER DEVELOPMENT AREA (PREVIOUS CORRIDOR WEST OF LIVING ROOM)		6,000
2	S/A	H006	2	REPLACE DETERIORATED RAMP LOCATED AT THE WEST EXIT DISCHARGE STAIRS (STEPS).		3,000
3	S/A	H007	2	REPLACE THE EXTERIOR DISCHARGE STEPS (THREE) AT THE WOOD STRORAGE AREA AND AT EAST EXIT DISCHARGE COMPLETE WITH HANDRAILS AT BOTH LOCATION.		6,500
4	S/A	H009	2	REPLACE TWO EXTERIOR EXIT STEPS AND EXIT NORTH FROM LIVING ROOM NORTHEAST CORNER WITH CONCRETE RAMPS.		5,500
5	S/A	S056	2	INSTALL PARTITION WITH DOORS IN EACH BATHROOM.		15,000
6	S/A	S064	1	REPLACE DETERIORED WEST EXIT STEPS (OUT OF INDUSTRIAL ARTS AREA) WITH COMPLETE HANDRAILS.		6,000
7	S/A	S069	1	INSTALL AND ADDITIONAL EGRESS DOOR FROM THE CENTRAL MEETING AREA (PREVIOUS LIVING ROOM).		5,000
8	S/A	S071	1	INSTALL EXIT DOOR AND DISCHARGE AT SOUTH EXTERIOR WALL OF STORAGE ROOM (PREVIOUS LAUNDRY ROOM).		3,000
9	S/A	S074	2	REPLACE DETERIORATED STAIRS AT WEST EXIT OF PREVIOUS APARTMENT WITH COMPLETE HANDRAILS.		6,000
10	S/A	S083	2	INSTALL PARTITION WITH DOORS IN THE RESTROOMS.		15,000

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WITHOUT COMPLETED BACKLOGS                            [illegible] FACILITIES ONLY
WITHOUT QUARTERS  DETAIL OF IMPROVEMENT      [illegible] ITEMS BY BUILDING [illegible]            PAGE [illegible]
 N34-23           CROWN POINT BDG. SCH  [illegible]  NAVAJO     CONGRESSIONAL DISTRICT [illegible] N.MEX.

NO SR    SEQ RK  PROJECT DESCRIPTION                                                      DEMO/REPL   R&I COSTS
-- ---   --- --  -------------------------------------------                               ---------   ---------

11 S/A  S090 1   INSTALL RESCUE COMPLIANT WINDOWS IN [illegible] OFFICES.                                  1,000
12 S/A  S137 2   INSTALL PRIVACY DOOR IN WOMEN'S RESTROOM.                                                 5,000
13 S/A  S138 2   REPAIR MEN'S RESTROOM.                                                                    5,000
                                                                                                      ----------
                                                ***TOTAL FOR BUILDING     3003                           $82,000

BUILDING   3004 - SCHOOL-OTHER
----------------------------------------

 1 S/A  H003 2   INSTALL HANDICAP ACCOMODATION AND PRIVACY DOORS TO STALL IN ALL BATHROOM.                25,000
 2 S/A  S069 1   INSTALL SPRINKLER SYSTEM IN THREE JANITOR CLOSETS.                                       15,000
 3 S/A  S074 2   INSTALL ADDITIONAL SECURITY LIGHTING.                                                     5,000
 4 S/A  S078 1   INSTALL EXIT DOOR COMPLETE WITH ILLUMINATED EXIT SIGN AND DISCHARGE APPURTENANCES AT THE REMOTE C-    3,000
                 ORNER OF THE LINEN LAUNDRY ROOM.
 5 S/A  S079 1   INSTALL EXIT DOOR COMPLETE WITH ILLUMINATED EXIT SIGN AND DICHARGE APPRURTENANCES AT EXTERIOR WAL-   3,000
                 L OF STORAGE ROOM (PREVIOUS LAUNDRY ROOM).
 6 S/A  S082 1   INSTALL SMOKE BARRIERS (PARTITION) ONE TO EACH SIDE OF THE CORRIDORS (TWO) IN LIVING ROOM.  12,000
 7 S/A  S085 1   INSTALL RESCUE COMPLIANT WINDOW IN EACH OF THE TWO BEDROOMS IN EACH APARTMENTS (4 WINDOWS).  5,000
 8 S/A  S117 2   INSTALL PARTITION WITH PRIVACY DOORS IN THE GIRLS RESTROOM.                               6,000
 9 S/A  S119 2   INSTALL PARTITION WITH PRIVACY DOORS IN BOY'S RESTROOM.                                   3,000
10 S/A  S128 2   INSTALL PARTITION WITH PRIVACY DOORS IN THE BOY'S RESTROOM LOCATED AT HEAD START.         4,000
11 S/A  S130 2   INSTALL PARTITION WITH DOORS IN THE GIRL'S RESTROOM LOCATED AT HEAD START.                6,000
12 S/A  S145 2   REPAIR STALL IN BOY'S RESTROOM STALLS - FACE PROGRAM.                                     5,000
                                                                                                      ----------
                                                ***TOTAL FOR BUILDING     3004                           $92,000

BUILDING   3008 - KITCHEN
----------------------------------------

 1 S/A  S028 1   REPLACE FOUR CEILING HOT WATER RADIANT HEATERS IN DINING AREA.REPIPING FROM REPLACEMENT UNITS TO      8,000
                 THE EXISTING BOILER IS REQUIRED.
 2 S/A  S039 2   INSTALL REMOVABLE GUARD RAILS AT WEST AND NORTH SIDE OF LOADING.                          1,500
 3 S/A  S044 1   INSTALL A PARTITION IN JANITOR CLOSET TO SEPARATE THE EXISTING WATER HEATER FROM JANITOR CLOSET.I-    5,200
                 NSTALL FIRE RATED CEILING AND DOORS.X BACKLOGS COMBINED WITH NO.S S018,S020,& S043.
 4 S/A  S058 1   INSTALL ADEQUATE SLOPE FOR DRAINAGE AROUND THE LOADING DOCK.                              3,000
 5 S/A  S074 1   INSTALL NEW LOADING DOCK CONCRETE SURFACE AND COVER/CANOPY TO PREVENT ICE AND SNOW BUILD UP AT DI-   10,000
                 NNIND HALL.
 6 S/A  S104 1   RESURFACE THE SUPPLY DELIVERY, LOADING/UNLOADING, LOT ON THE NORTH SIDE OF THE BUILDING AND SLOPE    10,000
                 IT SO THAT RUNOFF DRAINS PROPERLY.
 7 S/A  S121 1   REPLACE EAST EXIT DOOR - DINING AREA.                                                     3,000
 8 S/A  S122 1   REPLACE WEST EXIT DOORS - DINING AREA.                                                    3,000
 9 S/A  S126 1   REPLACE SOUTH DOUBLE EXIT DOORS - SOUTH ROOM.                                             3,000
10 S/A  S127 1   REPLACE SOUTH SINGLE EXIT DOOR, EAST SIDE OF ROOM - SOUTH ROOM.                           3,000
                                                                                                      ----------
                                                ***TOTAL FOR BUILDING     3008                           $49,700

BUILDING   3009 - FACILITY MANAGEMENT SHO
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 1 S/A  H002 2   INSTALL HANDICAP ACCESS AND APPURTENANCES IN THE BUILDING.                               10,000
 2 S/A  M001 2   REPLACE THE NORTH WING SLEEPING AREA'S NORTH EXIT STEPS (BOTH SETS) WITH CONCRETE RAMPS.  6,500
 3 S/A  M007 2   REPLACE NORTH EXIT DISCHARGE STEPS WITH CONCRETE RAMPS (FOUR).                           12,000
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WITHOUT COMPLETED BACKLOGS BUREAU FACILITIES ONLY
WITHOUT QUARTERS DETAIL OF IMPROVEMENT AND [illegible] BACKLOG ITEMS BY BUILDING WITHIN PAGE [illegible]
N34-23 CROWN POINT BDG. SCH EASTERN NAVAJO [illegible] CONGRESSIONAL DISTRICT 02 N.MEX.

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
4	S/A	M011	2	REPAIR ROOF, CEILING, SOFFIT, AND LIGHT FIXTURES.		35,000
5	S/A	M013	2	REGRADE BUILDING'S SOUTH AND WEST PERIMETER TO ACHIEVE ADEQUATE DRAINAGE FROM FOUNDATION.		10,000
6	S/A	M014	2	REPAIR ROOF, CEILING AND REPLACE LIGHT FIXTURES AT EAST EXIT.		40,000
7	S/A	S050	1	REPLACE EAST-MOST NORTH EXIT DOOR WITH SUBSTANTIAL, WELL OPERATING DOOR AND PANIC HARDWARE.		2,500
8	S/A	S052	1	REPLACE STORAGE ROOM DOOR WITH 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY.		1,000
9	S/A	S053	1	REPLACE LARGE LAUNDRY ROOM'S CORRIDOR DOOR WITH 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY.		1,000
10	S/A	S054	1	REPLACE STORAGE ROOM DOOR WITH 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY.		1,000
11	S/A	S056	1	INSTALL EXIT DOOR, COMPLETE WITH ILLUMINATED EXIT SIGN AND EXIT DISCHARGE.		1,500
12	S/A	S057	1	INSTALL EXIT DOOR, COMPLETE WITH ILLUMINATED SIGN.		2,000
13	S/A	S058	1	COVER VENTS BETWEEN THE JANITOR'S CLOSETS AND THE RESTROOM PLUMBING WALLS WITH ONE HOUR, FIRE RATED CONSTRUCTION.		1,000
14	S/A	S059	1	INSTALL 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY DOORS (ONE AT EACH OF THREE JANITOR'S CLOSETS).		2,000
15	S/A	S060	1	INSTALL 20 MINUTE RATED WIRE GLASS ASSEMBLIES IN OFFICE CORRIDOR.		1,000
16	S/A	S061	1	INSTALL TWO SMOKE BARRIERS , ONE TO EACH SIDE OF LIVING ROOM, TO PROTECT EGRESSCORRIDORS. COMPLETE WITH DOUBLESWING, 20 MINUTE SMOKE ASSEMBLY DOOR SET EACH.		2,000
17	S/A	S064	1	INSTALL ONE RESCUE WINDOW IN EACH OF THE TWO BEDROOMS OF EACH APARTMENT.		1,000
18	S/A	S065	1	INSTALL 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY DOOR (ONE AT EACH OF THREE JANITOR'S CLOSET		1,500
19	S/A	S072	2	INSTALL HANDRAILS AND REBUILD STAIRS.		5,000
20	S/A	S073	1	INSTALL 20-MINUTE SMOKE-RATED PARTITIONS.		1,800
21	S/A	S074	1	INSTALL SMOKE DETECTORS IN EACH OF THE THREE SLEEPING AREAS.		[illegible]
22	S/A	S076	1	REPLACE CORRIDOR DOORS WITH 20 MINUTE RATED, SELF CLOSING SMOKE ASSEMBLY DOORS.		1,500
23	S/A	S077	1	INSTALL 3/4 HOUR, FIRE RATED COUNTER SHUTTER IN LINEN ROOM.		1,000
24	S/A	S078	1	REPLACE LAUNDRY ROOM DOOR WITH 3/4 HOUR, FIRE RATED, SELF CLOSING FIRE ASSEMBLYDOOR.		1,000
25	S/A	S079	1	REPLACE DOOR BETWEEN LAUNDRY ROOM AND LIVINGROOM WITH A 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY.		1,000
26	S/A	S080	1	REPLACE LINEN ROOM DOOR WITH A 3/4 HOUR, SELF CLOSING FIRE ASSEMBLY DOOR.		1,000
27	S/A	S100	1	INSTALL EXHAUST VENTILATION SYSTEM IN THE SHOP.		3,000
28	S/A	S114	1	INSTALL LANDING AT NORTH EXIT.		2,000
29	S/A	S115	1	REBUILD NORTH EXIT STEPS.		6,000
				***TOTAL FOR BUILDING 3009		[illegible]

BUILDING 3010 - RECREATION

NO	SR	SEQ	RK	PROJECT DESCRIPTION	DEMO/REPL	R&I COSTS
1	S/A	H002	2	INSTALL HANDICAP ACCESS AND APPURTENANCE TO BUILDING #3010.		20,000
2	S/A	S030	1	INSTALL NEW RESTROOM VENTILATORS IN THE EAST WING RESTROOMS, GIRLS AND BOYS.		3,000
3	S/A	S059	1	INSTALL 3/4 HOUR SELF-CLOSING FIRE RATED ASSEMBLY DOORS AT EACH OF THE THREE JANITOR CLOSETS.		3,500
4	S/A	S074	1	INSTALL EXIT DOOR COMPLETE WITH DISCHARGE AND EXIT SIGN ON THE EXTERIOR WALL OFTHE MOVIE THEATER-TV ROOM (PREVIOUS LINEN ROOM).		4,000
5	S/A	S075	1	INSTALL 3/4 HOUR SELF CLOSING FIRE ASSEMBLY DOOR NORTHWEST OF THE SHOP (PREVIOUS LINEN ROOM) LOCATED IN THE SMALL LAUNDRY ROOM.		1,500
6	S/A	S076	1	INSTALL AN EXIT DOOR AND DISCHARGE IN EXTERIOR WALL OF THE SHOP (PREVIOUS SMALLLAUNDRY ROOM NEAR PREVIOUS LINEN ROOM.		3,000
7	S/A	S077	1	INSTALL 3/4 HOUR SELF-CLOSING FRE ASSEMBLY DOOR AT THE EAST SIDE OF THE STORAGEROOM NO. 105.		1,500
8	S/A	S079	1	INSTALL EXIT DOOR AND DISCHARGE WITH COMPLETE EXIST STGN AT STUDY AREA NORTH WEST CORNER OF THE NORTH EXTERIOR WALL.		3,000
9	S/A	S102	1	REPAIR THE CONCRETE NEAR THE MAIN ENTRANCE OF THE BUILDING.		3,500
10	S/A	S105	1	REPLACE THE WHOLE ROOF OF BUILDING 3010.		300,000
11	S/A	S107	1	INSTALL LANDING HEIGHT SAME AS FLOOR AT THE EXIT DOOR (TWO EXIT DOOR).		2,500
12	S/A	S108	1	REPAIR BOTH CONCRETE EXIT STEPS.		5,500

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WITHOUT COMPLETED BACKLOGS                    BUREAU FACILITIES ONLY
WITHOUT QUARTERS  DETAIL OF IMPROVEMENT       [illegible] ITEMS BY BUILDING [illegible]          PAGE 0034
 N34-23           CROWN POINT BDG. SCH   [illegible]          CONGRESSIONAL DISTRICT 02 N.MEX.

NO SR    SEQ RK PROJECT DESCRIPTION                                                  DEMO/REPL   BAI COSTS
-- ---   ---- -- -----------------------------------------------                    ---------   ---------

13 S/A  S129 1  REPAIR THE WEST CONCRETE EXIT STEPS.                                                 3,000
14 S/A  S141 1  REPAIR THE CONCRETE STEPS ON BOTH SOUTH EXIT.                                       75,000
15 S/A  S142 1  INSTALL LANDING HEIGHT AS FLOOR AT BOTH SOUTH EXIT DOOR.                             3,000
16 S/A  S147 2  INSTALL PARTITION WITH DOORS IN EAST WING BATHROOM.                                  6,000
                                                                                                ----------
                                                     ***TOTAL FOR BUILDING      3010              $438,000

BUILDING   3012 - DORMITORY
-----------------------------------------

 1 S/A  M009 2  INSTALL EXHAUST VENTILATION IN LAUNDRY ROOMS.                                        1,000
 2 S/A  S008 1  INSTALL SMOKE PARTITIONS TO PROTECT TWO CORRIDORS ON EACH SIDE OF THE LIVING ROOM.   5,000
 3 S/A  S058 1  INSTALL SPRINKLER SYSTEM IN JANITORS CLOSET                                          5,000
 4 S/A  S066 1  INSTALL 3/4 HOUR, FIRE RATED COUNTER SHUTTER.                                        1,000
 5 S/A  S067 1  INSTALL A REMOTE EXIT DOOR, COMPLETE WITH ILLUMINATED EXIT SIGN AND EXIT DISCHARGE APPURTENANCES   2,000
                IN LINEN/LAUNDRY ROOM.
 6 S/A  S071 1  INSTALL ONE RESCUE WINDOW IN EACH OF THE TWO BEDROOMS OF EACH APARTMENT (4 WINDOWS).  2,000
 7 S/A  S092 1  INSTALL HANDICAP RESTROOM AND SHOWER.                                                 5,000
 8 S/A  S129 1  INSTALL A LANDING AT BOTH NORTH EXITS OF THE NORTH WING.                             1,000
 9 S/A  S163 1  INSTALL LANDING AT BOTH WEST EXITS OF THE WEST WING.                                  1,000
10 S/A  S167 1  INSTALL LANDING AT EAST EXIT OF THE SOUTH APARTMENT.                                 1,000
11 S/A  S171 1  INSTALL LANDING AT SOUTHWEST EXIT/ENTRANCE DOOR OF THE RUMPUS ROOM.                  1,000
12 S/A  S184 1  INSTALL PROTECTIVE COVERING OVER STEAM HEAT PIPES THROUGHOUT BUILDING.              10,000
13 S/A  S186 2  REPAIR BOY'S RESTROOM STALLS.                                                        5,000
14 S/A  S188 1  INSTALL LANDING AT SOUTHWEST ENTRANCE/EXIT DOOR - RUMPUS ROOM.                       3,000
15 S/A  S197 1  INSTALL ADDITIONAL ELECTRICAL OUTLETS AS REQUIRED BY CURRENT BUILDING CODES IN LIVING ROOM OF APA-   20,000
                RTMENT C.
                                                                                                ----------
                                                     ***TOTAL FOR BUILDING      3012               $63,000


                                                     ***TOTAL FOR LOCATION    N34-23            $2,114,850
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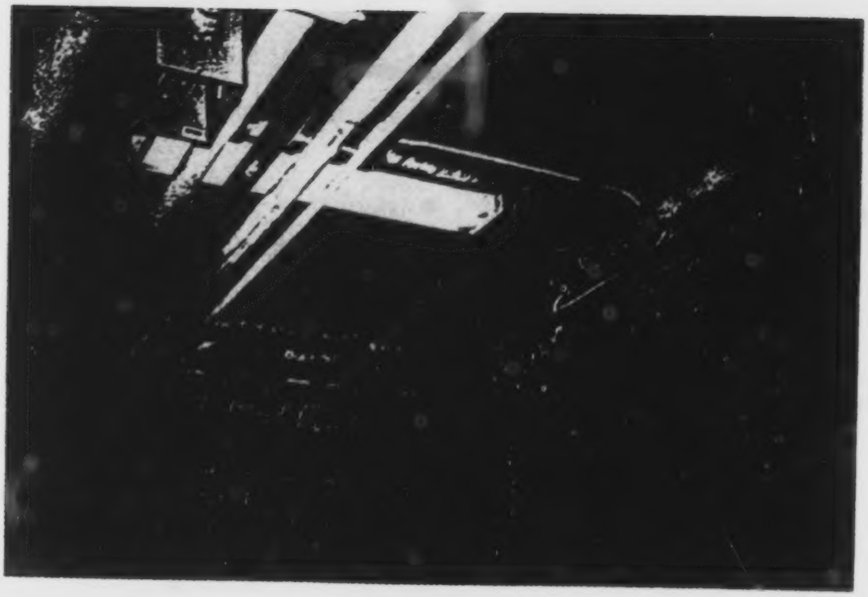
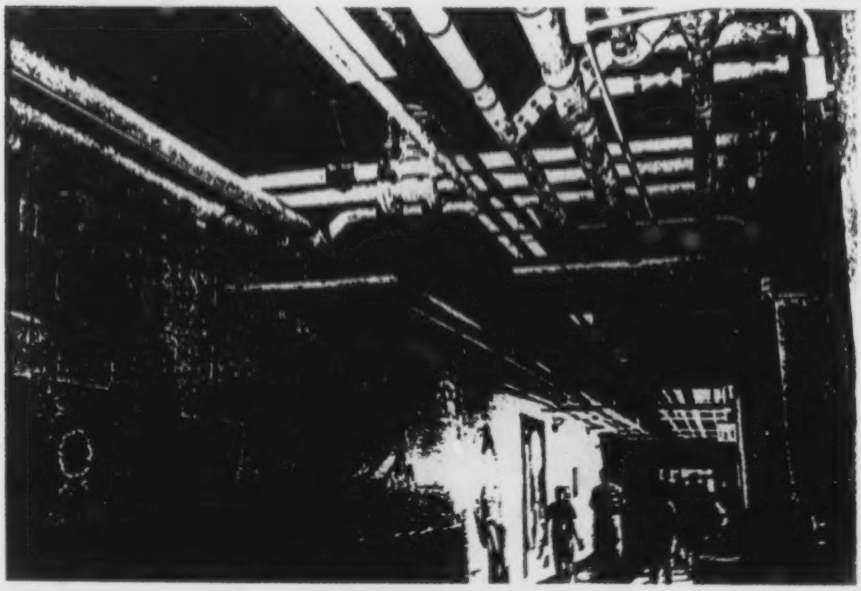
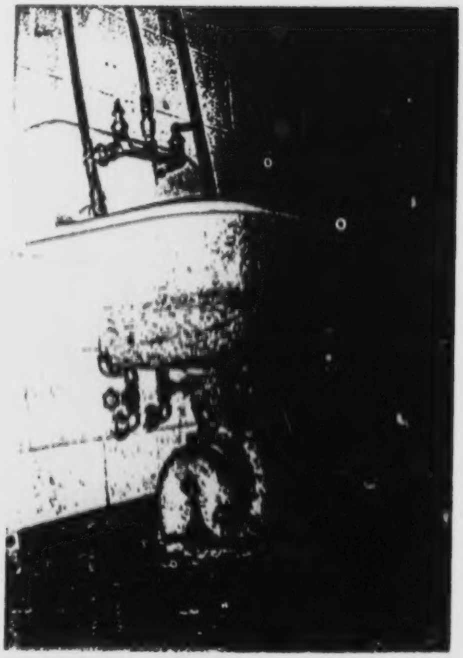


Building #3000
Main hallway has exposed hot water pipes. POR FY 95, 96, 97.



Building #3000
Main hallway has exposed hot water pipes. POR.

(Pictured right)
Building #3000
Wing four janitorial closet sinks are too high to lift full mop buckets into. Storage space is not adequate and too congested.



(Pictured left)
Building #3000
Wing four janitorial closet sinks are too high to lift full mop buckets into. Floor sinks will be very efficient.

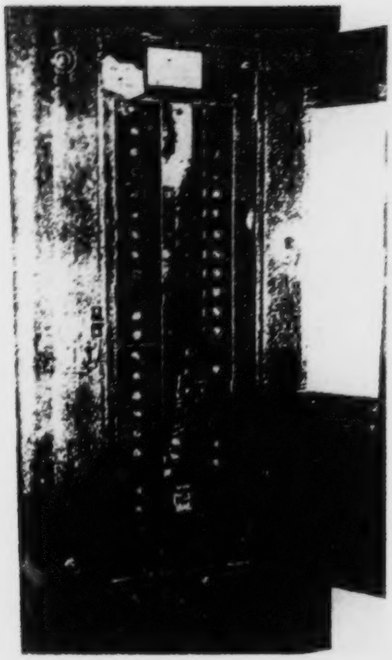
(Pictured right)
Building #3000
School parking lot
needs pavement for
public, visitors and
staff. No funds.

(Pictured left)
Building #3000
Overloaded electrical
power panel. Needs
upgrading. POR.

(Pictured right)
Building #3000
Main hallway has
exposed hot water
pipes. Need funds
for connections.
POR FY 95, 96, 97.

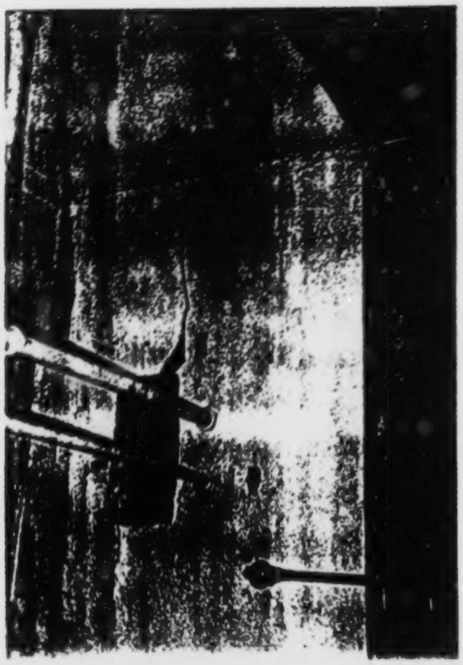
(Pictured left)
Building #3000
School restroom walls
are cracking and
settling. POR.

(Pictured right)
Building #3000
School restroom walls and floor are settling. POR.



(Pictured left)
Building #3000
Electrical power panels are maxed out 100%. Needs to be upgraded.

(Pictured right)
Building #3000
School restroom walls
and floor are settling.
POR.

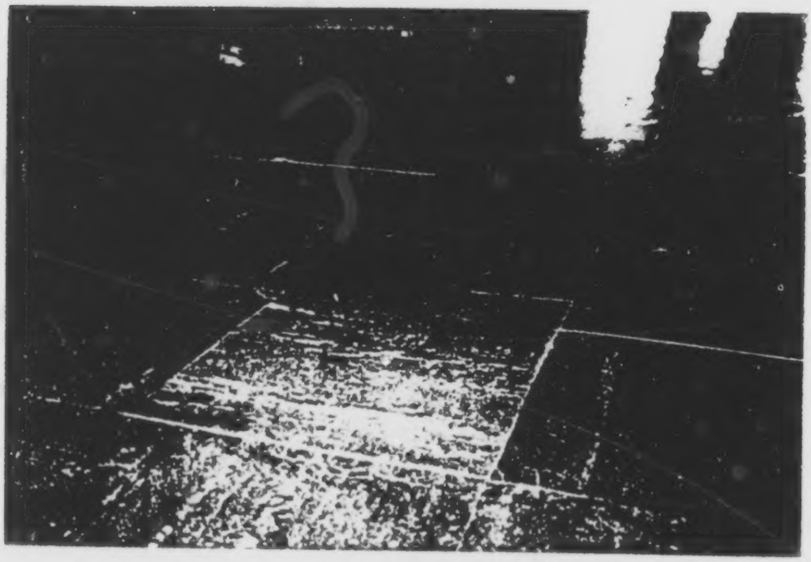


(Pictured left)
Building #3000
School restroom walls
and floor are settling.
POR.

Building #3000
Main hallway 9"x9" floor tiles need to be replaced or carpeted. No funds. POR.

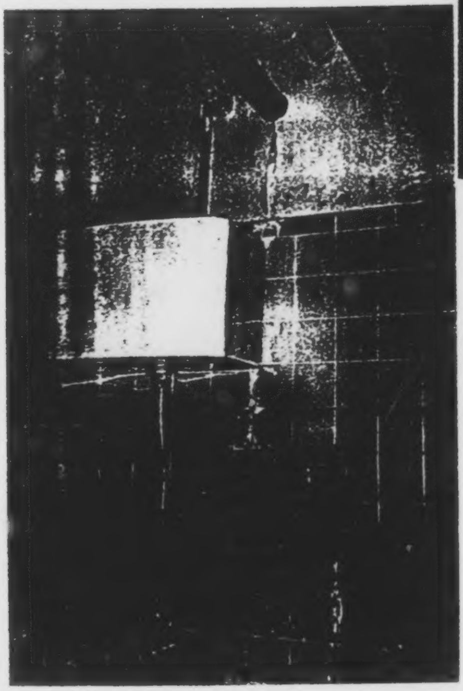
Building #3000
Main hallway 9"x9" floor tiles need to be replaced or carpeted. No funds. POR FY 96, 97.

Building #3000
Main entrance sidewalks are badly deteriorated. Need funds for repairs.
POR.

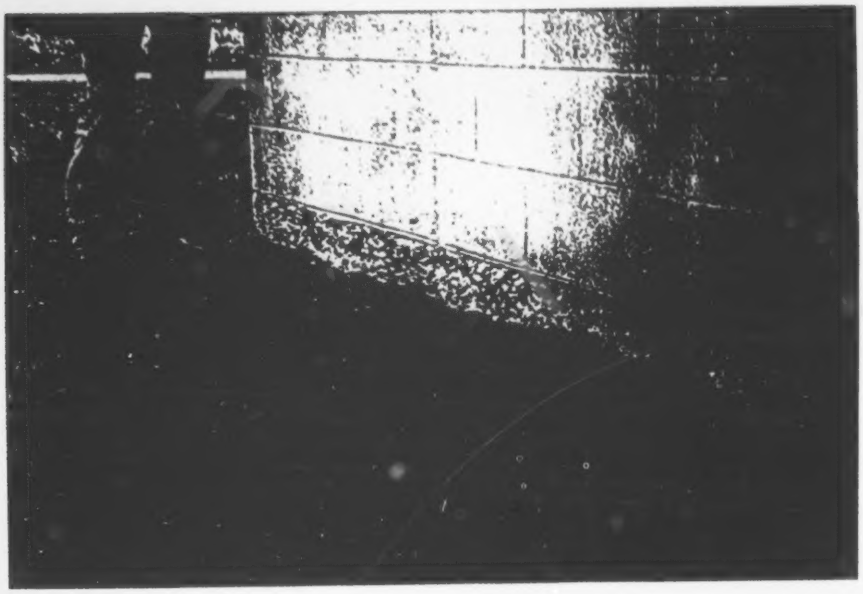


Building #3000
Main hallway 9"x9" floor tiles need to be replaced or carpeted. No funds.
POR.

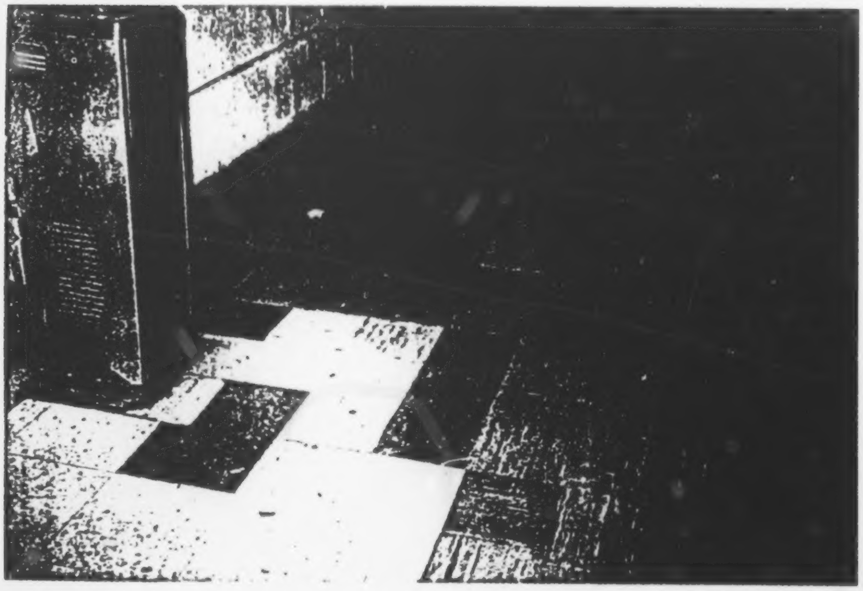
(Pictured right)
Building #3001
Boy's restroom walls are cracking and dropping at certain points. Building is settling. Repairs were done and currently on POR.



(Pictured left)
Building #3001
Boy's restroom walls are cracking. Building is settling. Repairs were done and currently on POR.

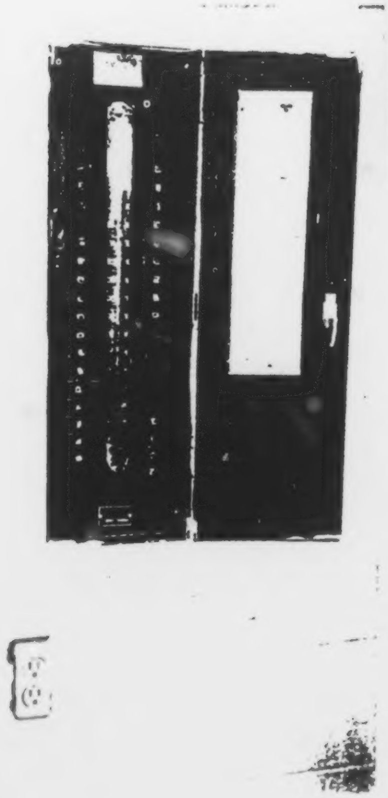


Building #3001
Brick foundation crumbling. Needs repairs. POR.



Building #3001
Floor tiles are a mismatch. Hard to match 9"x9" tiles. POR.

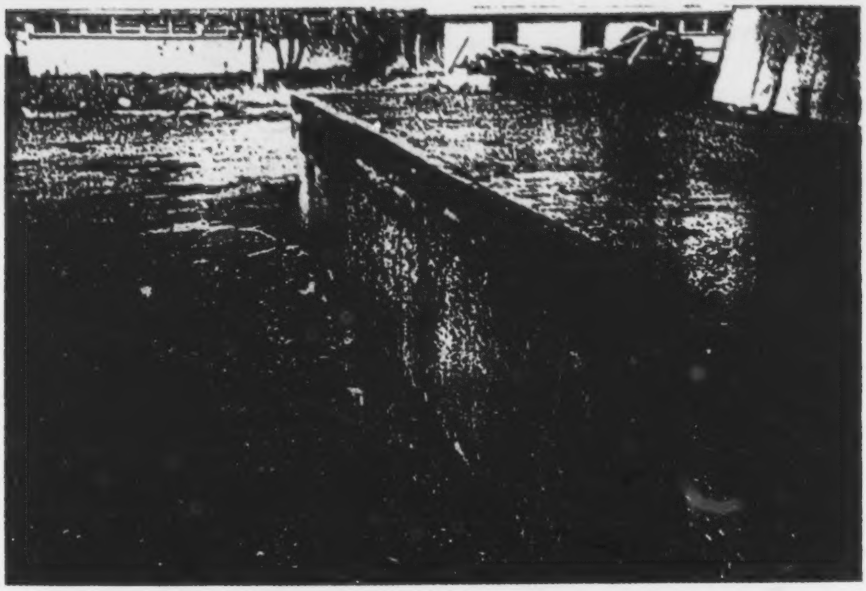
(Pictured right)
Building #3001
Old doors need to
be replaced or repaired
for Fire Safety. All UBC.
POR.



(Pictured left)
Building #3001
Most electrical panels
are maxed out 100%.
Need to be upgraded.
No funds. POR.

Building #3004 - Parking Lot
Need pavement. No drainage system causing pot holes which are unsafe for parking and pedestrian traffic.

Building #3008 - Kitchen
Loading dock is deteriorating making it unsafe. Need funds. POR.



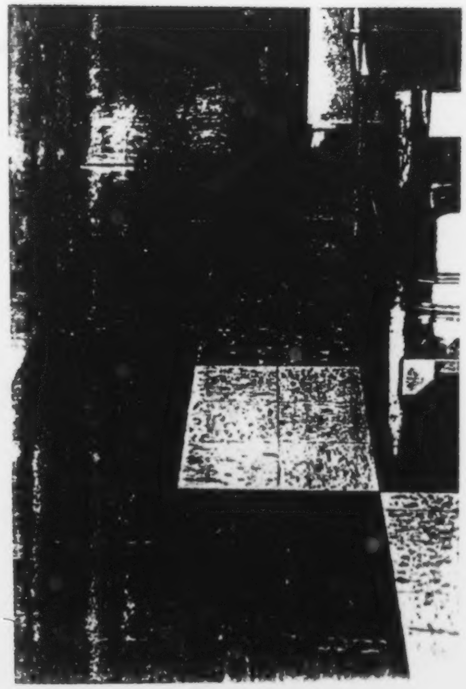
Building #3008 - Kitchen
Loading dock is deteriorating making it unsafe. Need funds. POR.

Building #3008 - Kitchen
Steps are deteriorated by boiler rooms. No funds. POR.

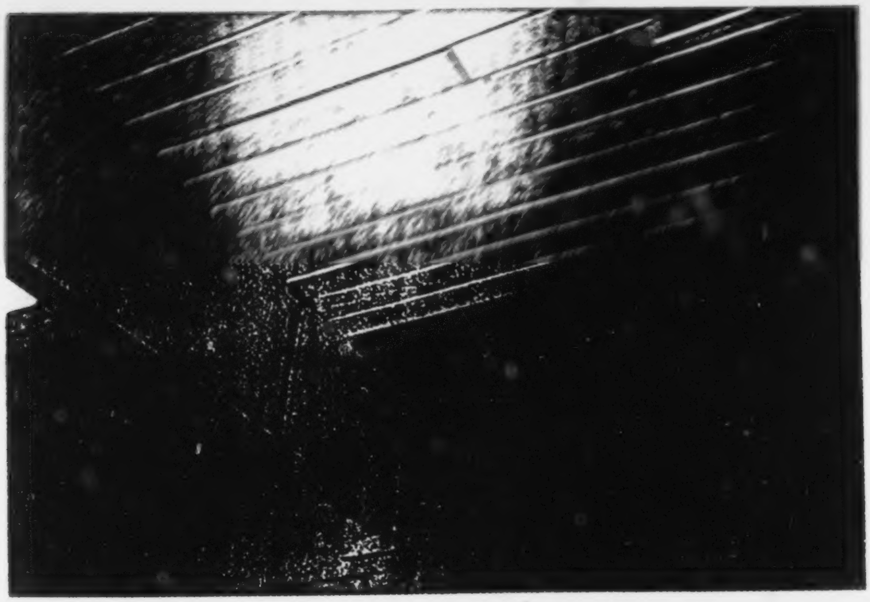
(Pictured right)
Building #3008 — Kitchen
Potato Peeler needs to
be replaced.
No Funds
Old Equipment

(Pictured left)
Building #3008—Kitchen
Old doors that will not
close properly. On POP

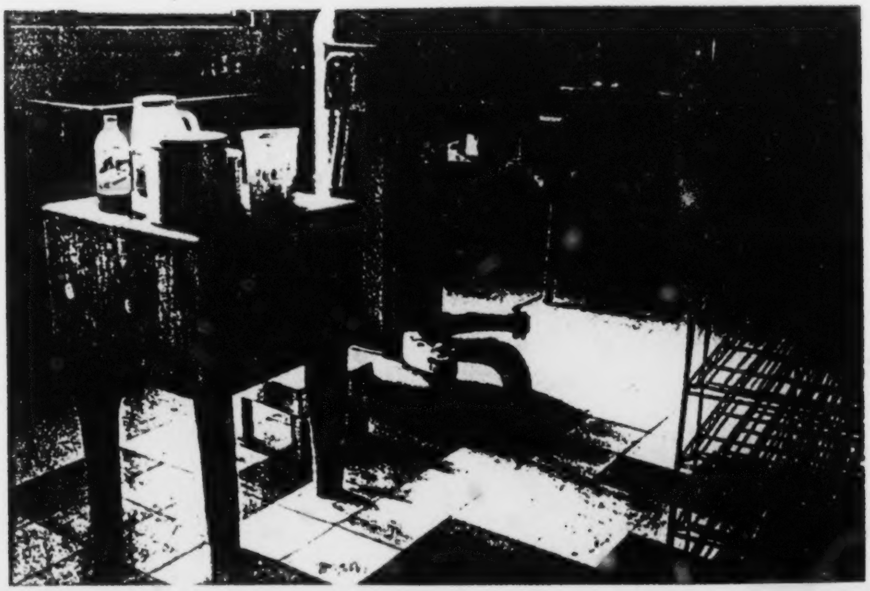
(Pictured right)
Building #3008 — Kitchen
Power Panel full
Need up-grade
No Funds
On POR



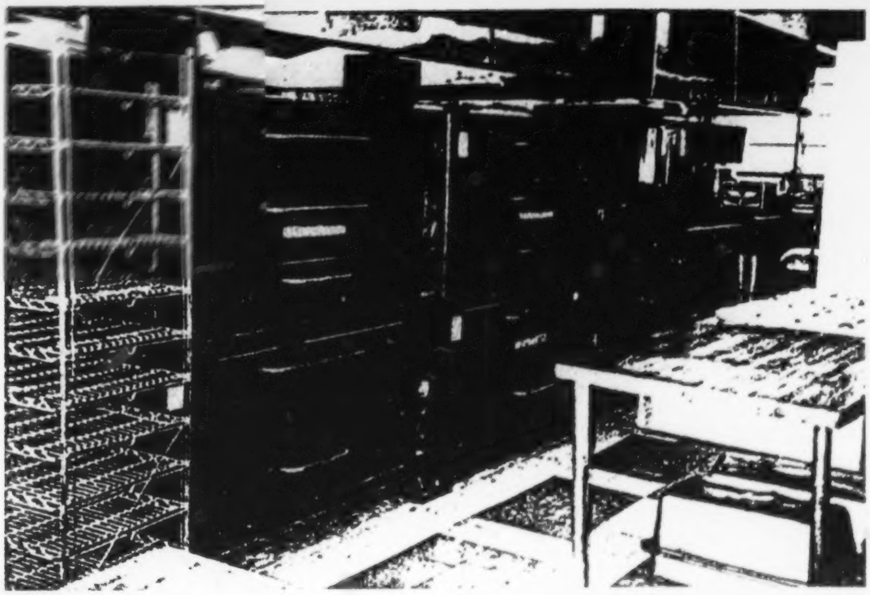
(Pictured left)
Building #3008—Kitchen
Flooring needs repair
9 x 9 tiles No Funds
On POR



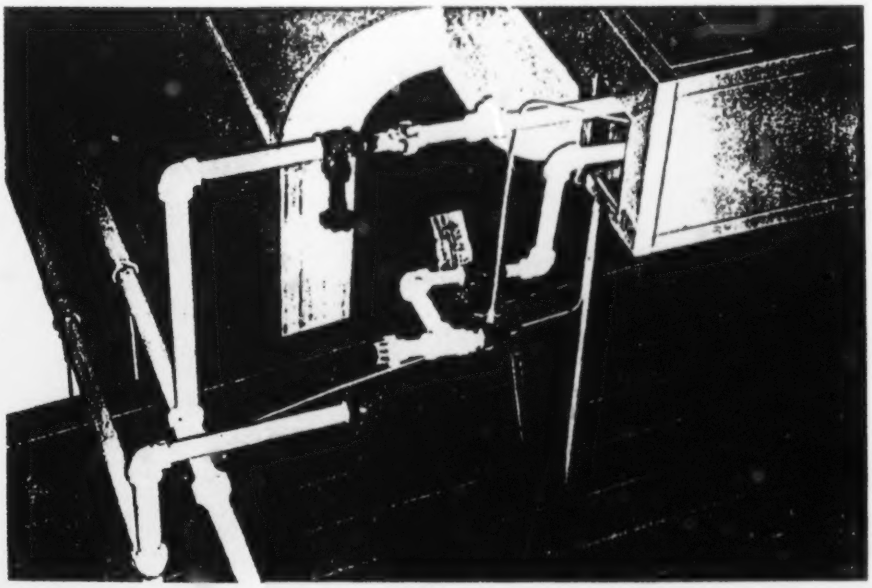
Building #3008 — Kitchen
Ceiling areas are repaired in sections when funding is available.
On POR



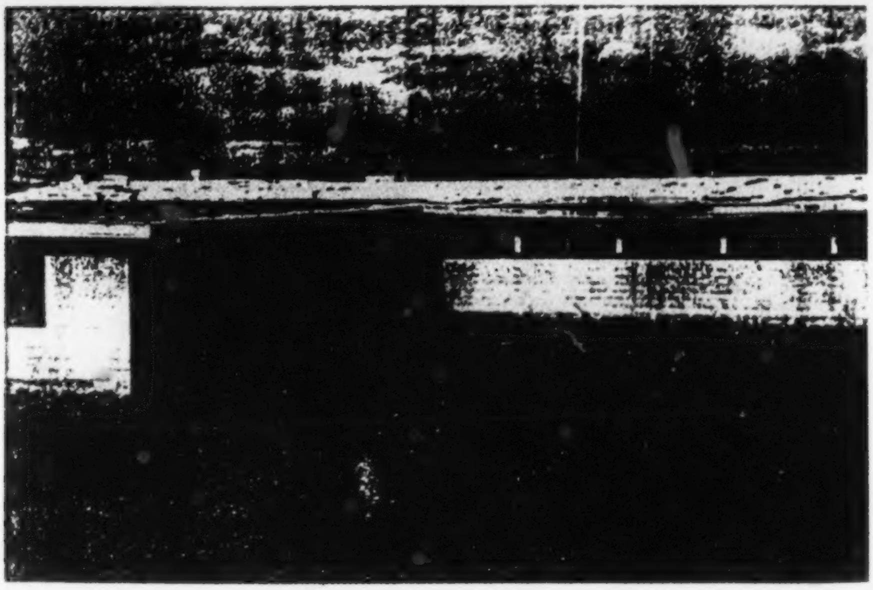
Building #3008 — Kitchen
9 x 9 tiles NO funds, On POR



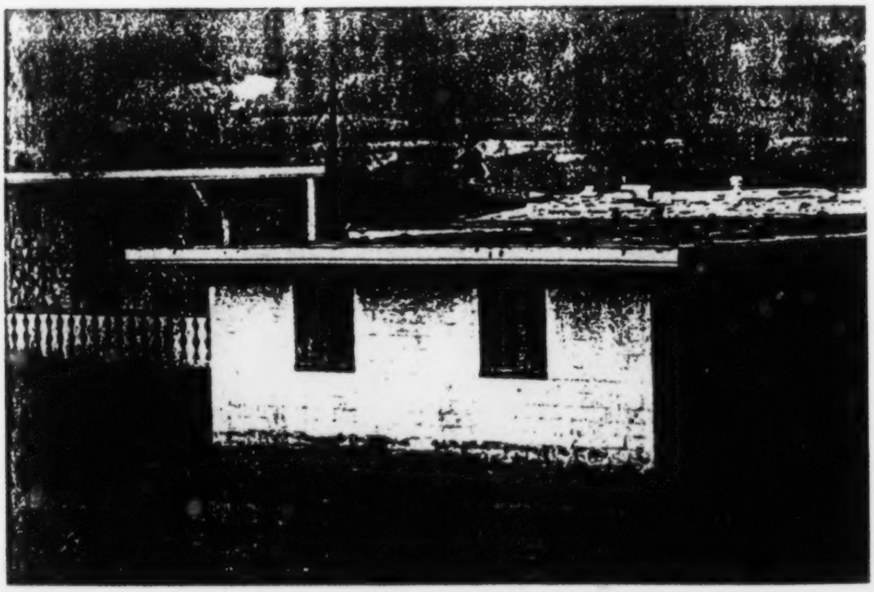
Building #3008 — Kitchen
Old Ovens—No funds to replace
On POR, deficiency



Building #3008 — Kitchen, On POR
Heating System not working. HVAC down, No heat, No Funds

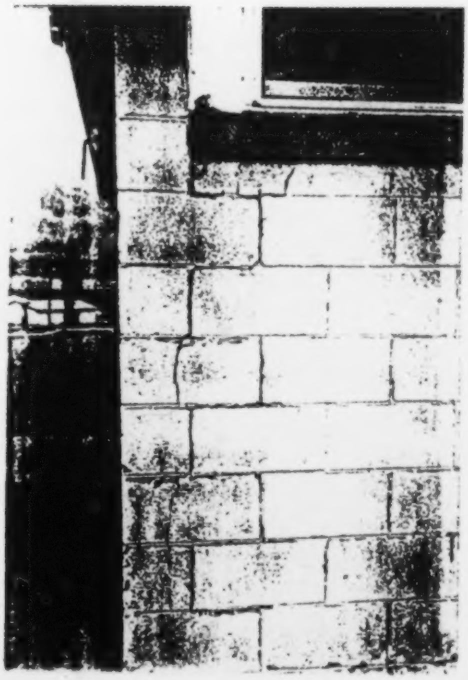


Building #3009 - Shop
New construction needed. POR.

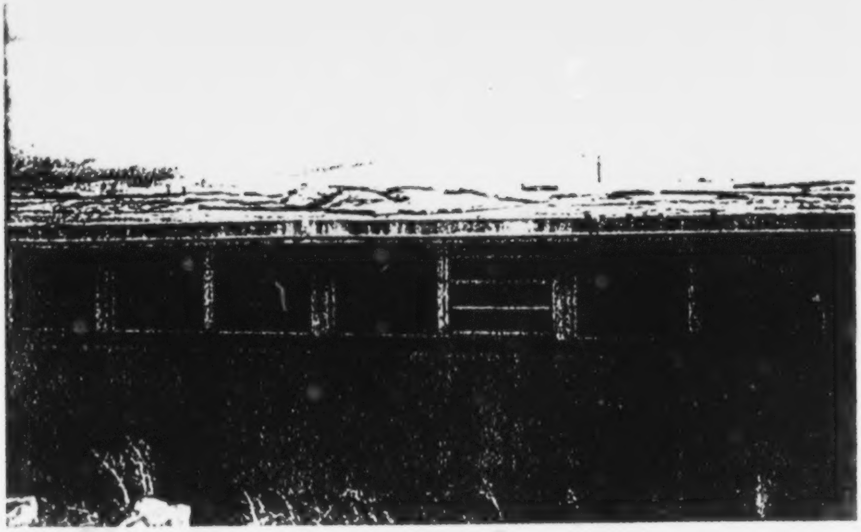


Building #3009 - Shop
Need new buildings and new construction for school. POR.

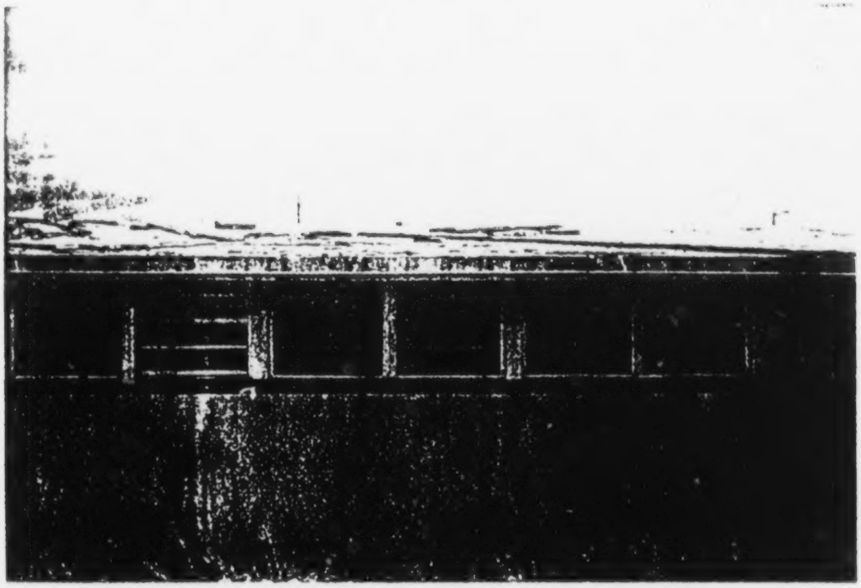
(Pictured right)
Building #3009 – Shop
Roof repairs needed
No Funds
On POR



(Pictured left)
Building #3009–Shop
Walls are settling
No Funds for new
construction
On POR



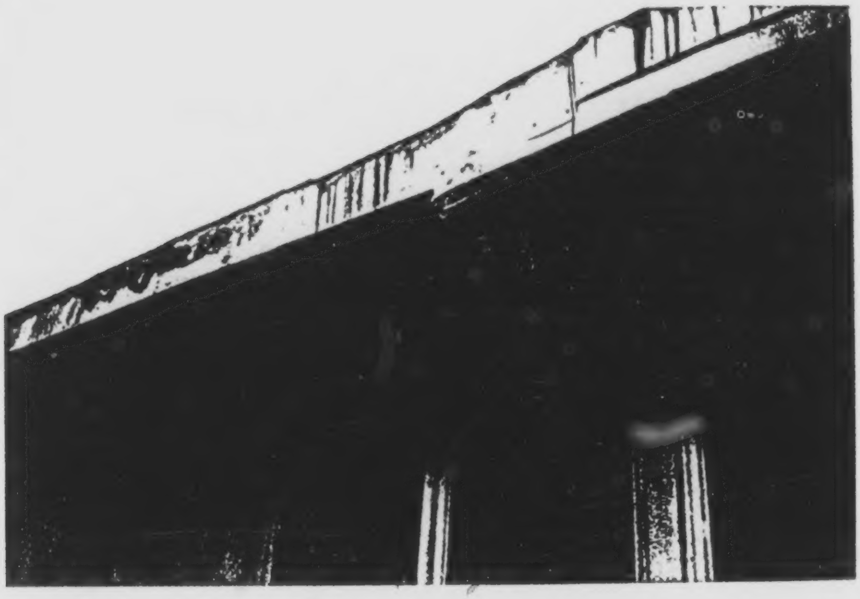
Building #3009 - Shop
Roof needs to be repaired. Loose roof debris falling causing unsafe conditions. POR.



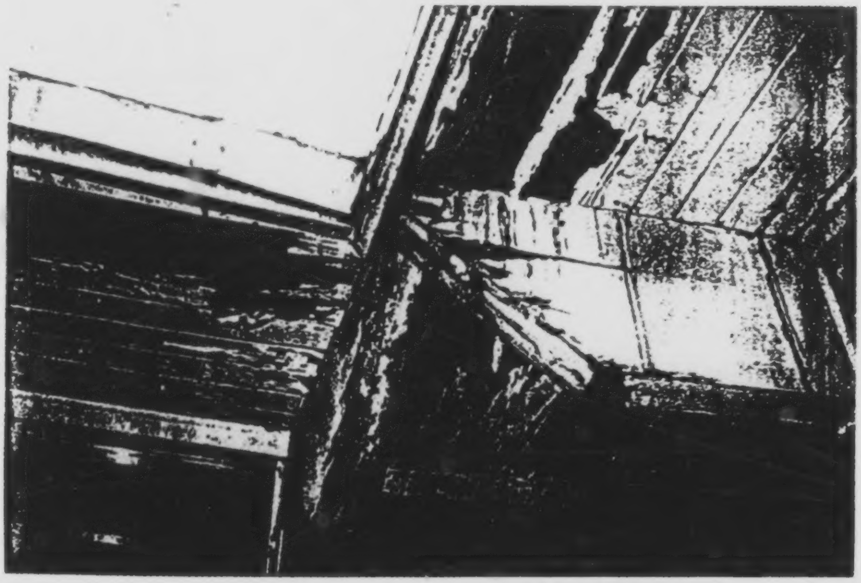
Building #3009 - Shop
Roof needs to be repaired. Loose roof debris falling causing unsafe conditions. POR.

Building #3010 - Recreation Center
Need roof repairs. POR FY 95, 96, 97

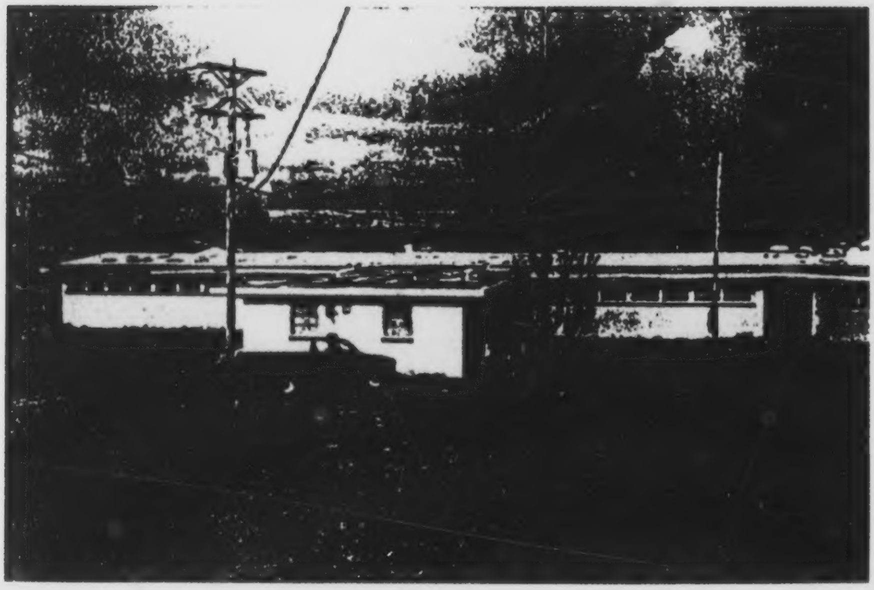
Building #3010 - Recreation Center
Need culvert system. Mud and water does not drain anywhere making it unsafe for pedestrian traffic.



Building #3010 - Recreation Center
Roof needs to be repaired. POR.

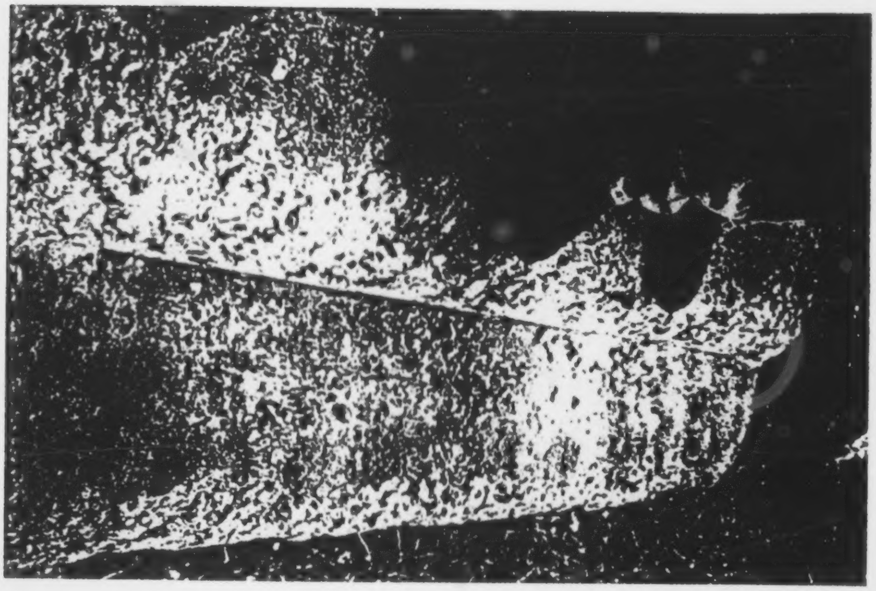


Building #3010 - Recreation Center
Roof needs to be repaired. POR.

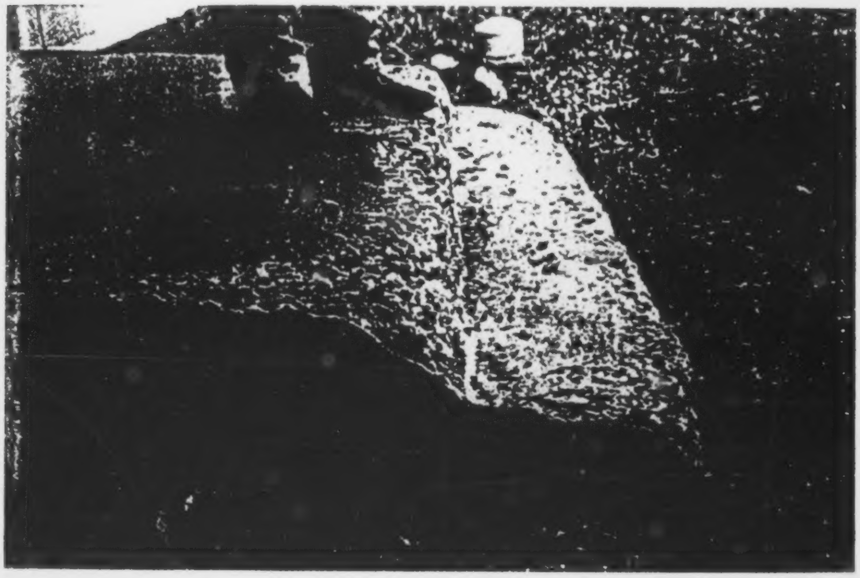


Building #3010 - Recreation Center
Roof needs to be repaired. POR.

Building #3010 - Recreation Center
Roof needs to be repaired. POR.

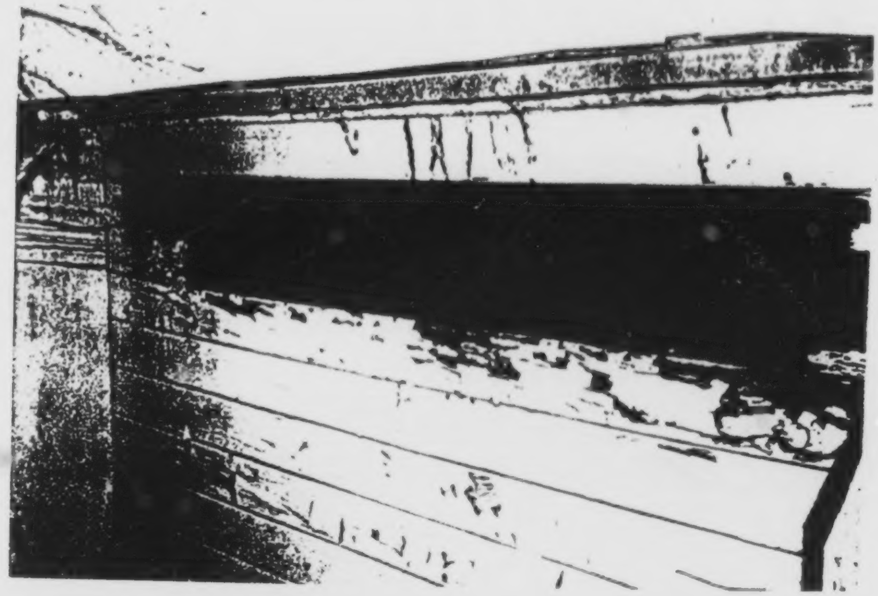


Building #3010 - Recreation Center
Steps are deteriorating and crumbling. POR.



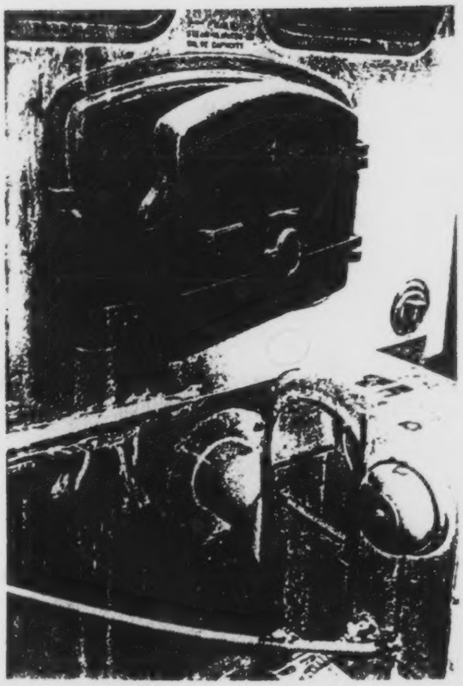
Building #3010 - Recreation Center
Steps are deteriorating and crumbling. POR.

Building #3010 - Recreation Center
Roof needs to be repaired. POR.



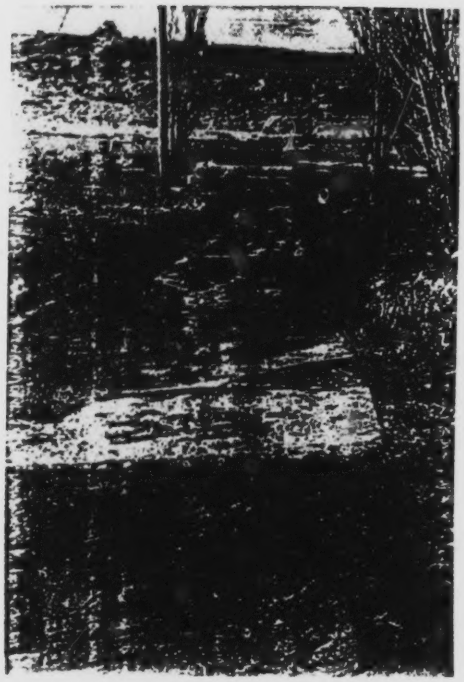
Building #3010 - Recreation Center
Roof needs to be repaired. POR.

(Pictured right)
Building #3010
Recreation Center
Fire Alarm Systems
are not fully operable
due to lack of funding
on POR



(Pictured left)
Building #3010
Recreation Center
Boilers are stripped due to
parts being needed at
other school locations, all
need funding to replace
Burner System.
On POR

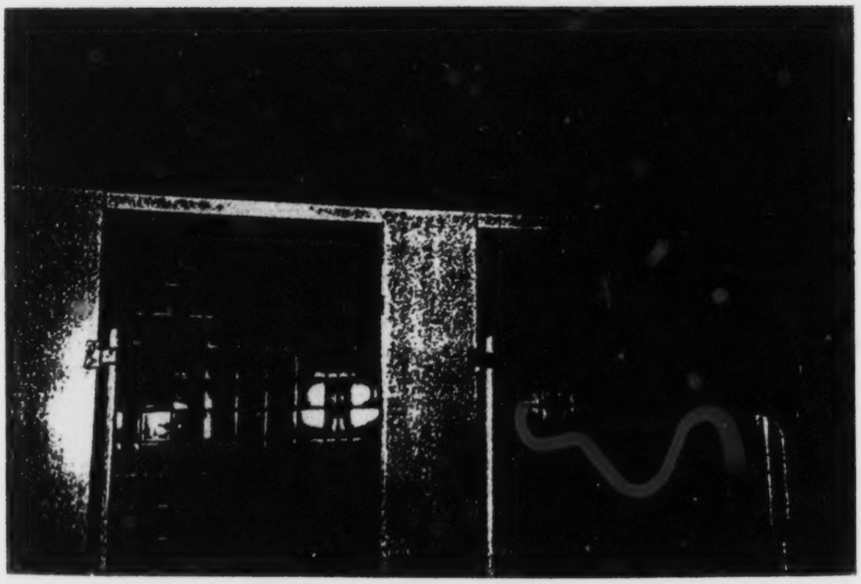
(Pictured right)
Building #3010
Recreation Center
Roof repairs needed
No Funds
On POR



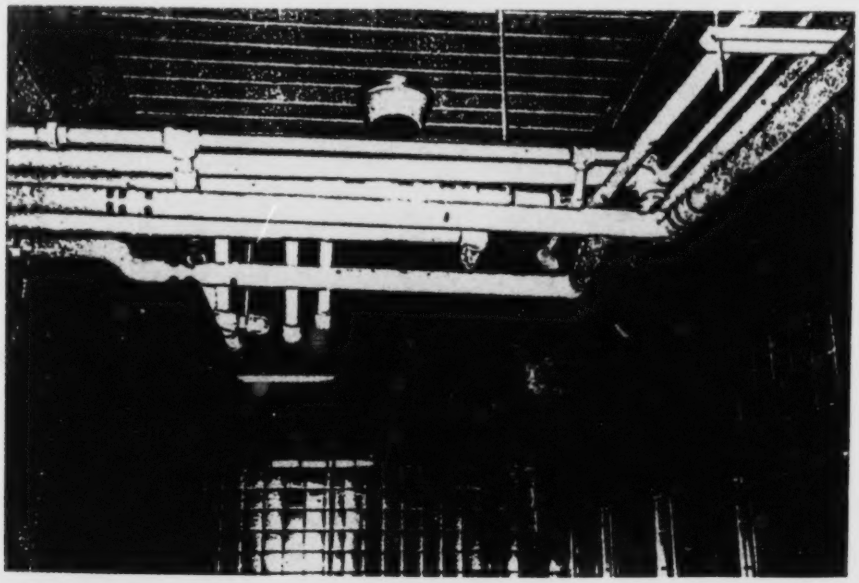
(Pictured left)
Building #3010
Recreation Center
need drainage system
On POR

(Pictured right)
Building #3012
Hot water pipes
need insulation to
prevent students
from being burned.
On POR

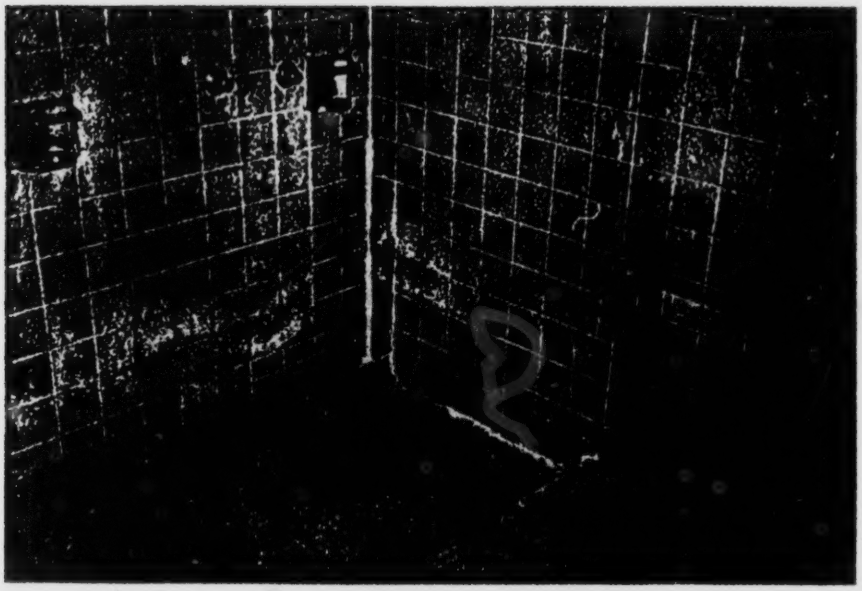
(Pictured left)
Building #3012 Dormitory
West end restroom walls
are cracking and the floors
are settling On POR



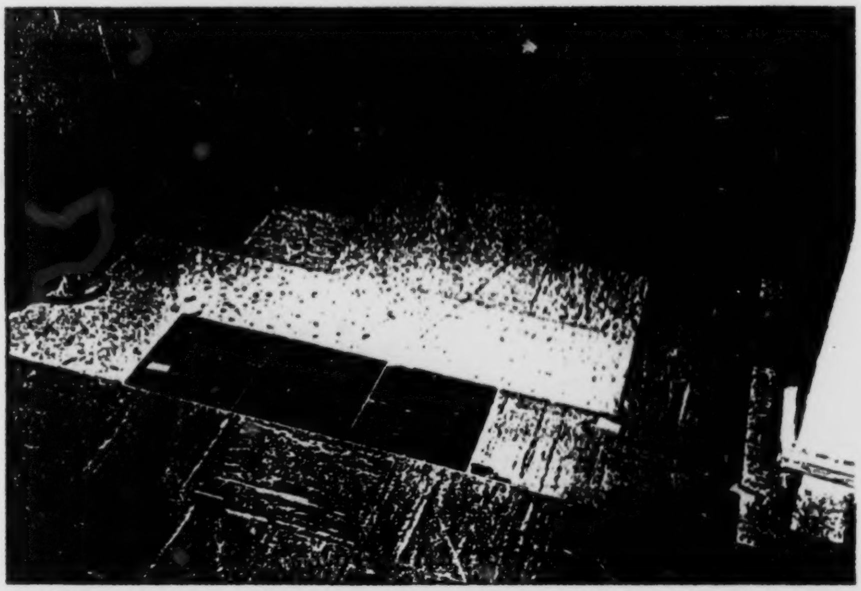
Building #3012 — Dormitory
West end restroom, walls are cracking and floors are settling.
On POR



Building #3012 — Dormitory, Hot water pipes are not insulated. Safety hazard for students.
On POR



Building #3012 — Dormitory
West end restroom, walls are cracking and floors are settling.
On POR



Building #3012 — Dormitory, Floor tiles are 9 x 9, carpet is needed.
On POR

FACILITIES MASTER PLAN
NAVAJO PREPARATORY SCHOOL

SUMMARY

GOAL: To develop a strategic facilities master plan for Navajo Preparatory School which will help us make better use of our existing land (83.24 acres) and facilities, and develop a plan for a new school to serve 300 students in grades 9-12. The master plan will:

1. Ensure that our facilities support our strategic plan.
2. Develop and maintain a share vision.
3. Make better use of our existing site and facilities.
4. Avoid waste resulting from piecemeal projects.
5. Establish realistic schedule and capital budget.
6. Unify the aesthetic asset of our campus.
7. Enhance credibility with lending institutions and funding agencies.
8. Develop campus maps and building plans.
9. Focus and energize our fundraising and development efforts.

SUMMARY OF ACTIVITIES:

~ The Navajo Prep School has accomplished its goal of finding a permanent home for the School. Prior to 1991, the land and school buildings were leased from the United Methodist Church. In July 1995 the Navajo Prep School lobbied to have the Navajo Nation purchase 83.24 acres of land and buildings from the United Methodist Church. The development of a finalized long-term lease agreement between the School and Navajo Nation is expected soon.

~ The Navajo Prep School lobbied the New Mexico State Legislature for funding to begin planning and design work for new school facilities. In 1995 the School received $200,000 from the State's general funds.

~ In February 1997, the Navajo Prep School Board hired Design Workshop, Inc., Tempe, Arizona, to initiate the campus master plan project for the Navajo Preparatory School.

~ The Navajo Prep School is currently in Phase Three of the Master Plan process. We expect to complete phase three, Master Plan Development, in October 1997.

- The Navajo Prep School is working closely with the Navajo Nation Land Department to complete an archaelogical assessment for the school site. The report is 90% complete and soon to be forwarded to the Bureau of Indian Affairs for review and clearance.

- The Navajo Prep School contracted with Environmics, Inc. of Phoenix, Az to conduct an Environmental Assessment and Finding of No Significant Impact. A draft report has been submitted to the Navajo Land Administration and the Bureau of Indian Affairs for review and clearance.

- The Navajo Prepararatory School contracted with Cheney Walters [illegible] Echols, Inc. of Farmington, NM to complete an Aerial Topographical Mapping of the school site. This information is needed for planning.

- The Navajo Prep School has submitted a packet containing all required documents required for a long term lease agreement with the Navajo Nation. This will be reviewed through the Navajo Nation's Signature Authorization Process. Included are the environmental assessment and archaeological assessment reports.

- The Navajo Prep School is working in conjunction with the Navajo Nation Historic Preservation Office for renovation of four historic buildings. The School's facilities master plan has strong emphasis on the historic preservation of four buildings which surround the "Oval."

- The Navajo Prep School, in conjunction with its planners and architects, has determined that four new dormitories are an immediate need. The current dorms were constructed in 1912, 1925, 1929 and 1955. In addition, the School no longer has use of Jones Hall, a girl's dormitory located on the Mission side of the property, which housed 38 students in the last five years. The school was forced to make living adjustments for the 1997-98 school year.

- The Navajo Prep School has begun the process of seeking all possible funding options for our campus plan including BIA Facility Improvement & Renovation Funds, BIA Minor Improvement & Repairs Funds, New School Construction Funds, Navajo Nation, NM State Lottery funds,Community Development Block Grant funds, other State, and Private funds.

- The Navajo Prep School Board of Trustees has committed the first $100,000 in an investment account for its New School Facilities Fund.

Provided are copies of the Campus Master Plan, Phase Key Plan and Program Summary List.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE NAVAJO PREPARATORY SCHOOL, INC.

Requesting the Honorable New Mexico State Congressional Delegation to Support and Sponsor $1.4 Million Appropriation from the United States Congress for Replacement of Utility Infrastructure at the Navajo Preparatory School located in Farmington, New Mexico

Whereas:

1. The Navajo Preparatory School, Inc. was established in 1991 by the Navajo Nation Council as a non-profit corporation chartered by the Navajo Nation Corporation Code, and receives its operating funds under the provisions of Public Law 100-297 as a grant school; and,

2. The Navajo Preparatory School, Inc. operates a four-year college preparatory, co-educational, residential and day school for talented and highly motivated high school youth who have the potential and desire to further their formal education beyond high school, and who revere and embrace their Native language, culture and value system; and,

3. The Navajo Preparatory School currently serves a limited 190 students from 47 different communities located on or near the Navajo Nation, and the demand for additional enrollment currently exceeds the school's current capacity; and

4. The Navajo Preparatory School. Inc. has inherited a legacy of 100 years of educational tradition established by the United Methodist Mission in 1898, and in recent times the educational mission of the school has changed to provide an essential element of Indian self-determination that is committed to providing an educational environment that reflects appropriate conditions for learning in the 21st Century; and

5. The Navajo Preparatory School resides on 82.45 acres of land and buildings bought and owned by the Navajo Nation which is located at 1220 West Apache Street, Farmington, New Mexico, and in accordance with Navajo Nation Council Resolution CJA-02-95, the land and property is withdrawn for educational and school purposes (Exhibit A); and

6. The Navajo Preparatory School facilities are in need of cultural preservation and renovation, and new school construction is needed to meet the school's progressive college prep program; most of the classrooms, residential halls and support facilities were built between 1912 and 1940 (Exhibit C); and

7. The Navajo Preparatory School Facilities Master Plan provides detailed assessment for the renovation and historical preservation needs of the current school campus facilities, as well as new construction needs to serve 300 students in grades 9-12 (Exhibit B); and

8. The Navajo Preparatory School facility master plan addresses the school's critical facility needs in phases over a twenty year period and promotes the concept of orderly land use planning and zoning in accordance with all applicable regulations and codes; and

9. Based upon identified master plan phases, the Navajo Preparatory School requires complete utility infrastructure upgrade and replacement which include costs for sewer, water, electrical, storm drainage, natural gas and communication needs.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Trustees requests the Honorable New Mexico State Congressional delegation to support and sponsor a $1.4 Million Congressional Appropriation for replacement of utility infrastructure at the Navajo Preparatory School located in Farmington, New Mexico.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Preparatory School Board of Trustees at a duly called meeting at the School in Farmington, New Mexico, at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, and 0 abstaining this 12th day of November, 1997.

President, Board of Trustees

/S: Carole Tom, Eva Stokely

Exhibit A

CJA-02-95

Class "C" Resolution
Area Approval Required.

RESOLUTION OF THE NAVAJO NATION COUNCIL

Approving the Purchase of the United Methodist Church Property Located at 1200 West Apache in Farmington, New Mexico; Reallocating $400,000 and Appropriating $190,000 for the Purpose of Funding the Purchase, and Waiving Resolutions CS-45-84, CMA-28-93 and CAP-31-94

WHEREAS:

1. Pursuant to 2 N.T.C. §102(a), the Navajo Nation Council is the governing body of the Navajo Nation; and

2. The Navajo Nation is seeking to purchase the property, formerly known as the Navajo United Methodist Mission, located at 1200 West Apache, Farmington, San Juan County, New Mexico. The parcel the Navajo Nation desires to purchase is composed of some eighty-two and forty-five hundredths (82.45) acres (Subdivision A) including all improvements thereon, as further described in Exhibit "A" which is attached hereto and incorporated herein by this reference; and

3. The Navajo Nation Council by its Resolution CAU-62-91, attached hereto and incorporated herein as Exhibit "B", appropriated the sum of Four Hundred Thousand Dollars ($400,000.00) for funding of a letter of credit to secure the lease obligations of Navajo Preparatory School, Inc., with the United Methodist Church in occupancy of the 82.45 acre site and the existing buildings; and

4. The Education Committee of the Navajo Nation Council, pursuant to Resolution ECN-90-93, attached hereto and incorporated herein by reference as Exhibit "C", the Education Committee of the Navajo Nation Council recommended to the Navajo Nation Council the acquisition of the property; and

5. The Resources Committee of the Navajo Nation Council, pursuant to Resolution RCJA-04-95, attached hereto and incorporated herein by reference as Exhibit "D", recommended to the Navajo Nation Council the acquisition of the property; and

6. The Budget and Finance Committee of the Navajo Nation Council, pursuant to Resolution BFJA-01-95, attached hereto and incorporated herein by reference as Exhibit "E", recommended to the Navajo Nation Council the reallocation of $400,000.00 and the appropriation of an additional $190,000.00 from Undesignated Reserve Funds for acquisition of the property; and

7. It appears that the acquisition of the property located at 1200 West Apache is in the best interests of the Navajo Nation; and

8. It appears that the reallocation of the sum of Four Hundred Thousand Dollars ($400,000.00) for the purpose of funding of a letter of credit to secure the lease obligations of Navajo Preparatory School, Inc., with the United Methodist Church to the purpose of applying such funds to the purchase of the property is in the best interests of the Navajo Nation; and

9. It appears that the appropriation of an additional One Hundred Ninety Thousand Dollars ($190,000.00) from Undesignated Reserve Funds for the purpose of purchasing of the property is in the best interests of the Navajo Nation; and

10. It appears that the Navajo Nation Council would need to waive the provisions of Resolutions CS-45-84, CMA-28-93 and CAP-31-94 in order to reallocate the sum of Four Hundred Thousand Dollars ($400,000.00), as well as appropriating an additional One Hundred Ninety Thousand Dollars ($190,000.00) from Undesignated Reserve Funds for the purpose of purchasing of the property.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby approves the purchase of the property, formerly known as the Navajo United Methodist Mission, located at 1200 West Apache, Farmington, San Juan County, New Mexico, including all improvements thereon, by the Navajo Nation for a purchase price not to exceed $575,000.00.

2. The Navajo Nation Council directs the Division of Natural Resources, the Navajo Land Department and the Department of Justice to negotiate the terms of the purchase of the property consistent with the authority herein contained.

3. The Navajo Nation Council hereby requests the Secretary of the Interior to place the property in trust status subsequent to its purchase, and hereby directs the Office of the President, the Division of Natural Resources, the Navajo Land Department and the Department of Justice to take such actions as are necessary and appropriate to accomplish this request.

4. The Navajo Nation Council hereby withdraws the property for educational and school purposes upon purchase of the property and improvements.

5. The Navajo Nation Council hereby reallocates the sum of Four Hundred Thousand Dollars ($400,000.00), previously appropriated under Navajo Nation Council Resolution CAU-62-91, for the specific and limited purpose of applying such funds to the purchase of the property; Provided that these funds shall continue to be used for the purpose stated under Resolution CAU-62-91 until such time as the purchase of the property is consummated.

6. The Navajo Nation Council hereby appropriates an additional One Hundred Ninety Thousand Dollars ($190,000.00) from Undesignated Reserve Funds for the purpose of purchasing of the property and paying closing costs on the purchase.

7. The Navajo Nation Council waives all provisions of its Resolutions CS-45-84, CMA-28-93 and CAP-31-94 which would otherwise prevent the reallocation and appropriation of funds herein resolved.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 67 in favor, 0 opposed and 3 abstained, this 6th day of January 1995.

Nelson Gorman
Nelson Gorman, Jr., Speaker
Navajo Nation Council

Date Signed

Motion: Larry Anderson
Second: Richard Begay

ACTION BY THE EXECUTIVE BRANCH:

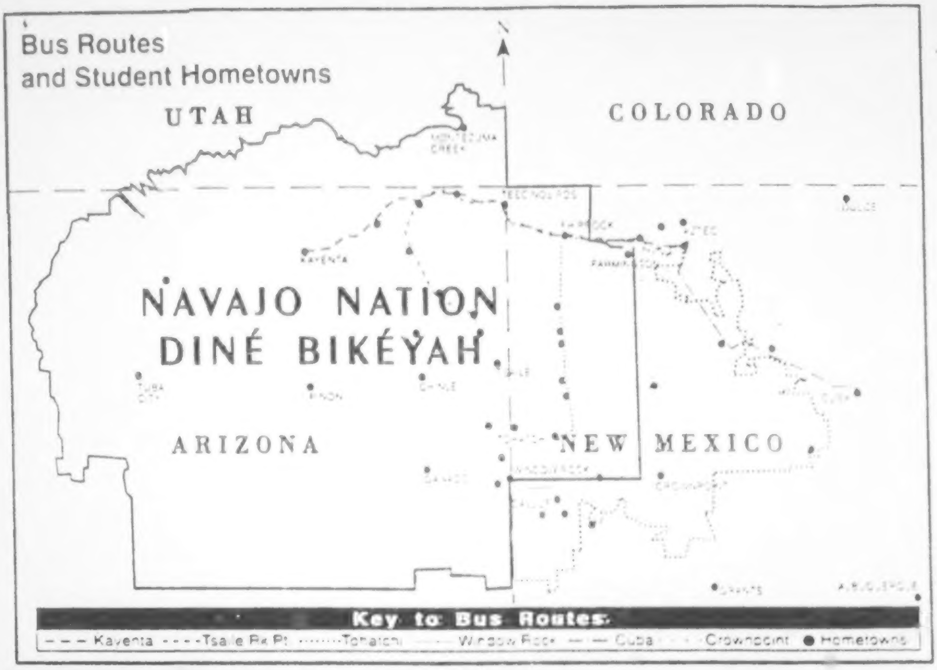
1. Pursuant to 2 N.T.C. Section 1005 (c)(1), I hereby sign into law the foregoing resolution on this 9 day of January 1995:

Peter Zah
Peterson Zah, President
Navajo Nation

2. Pursuant to 2 N.T.C. Section 1005 (c)(10), I hereby veto the foregoing legislation this ____ day of ____________ 1995 for the reason(s) expressed in the attached letter to the Speaker:

Peterson Zah, President
Navajo Nation

BEST COPY AVAILABLE


Bus Routes
and Student Hometowns
UTAH
COLORADO
NAVAJO NATION
DINÉ BIKÉYAH
ARIZONA
NEW MEXICO
N
Key to Bus Routes
– – – Kayenta
- - - - Tsaile Rk Pt
········ Tohatchi
—— Window Rock
—·— Cuba
· · · Crownpoint
● Hometowns

ENROLLMENT BY AGENCIES

Shiprock	60	**Other Areas:**	
Crownpoint	37	Jicarilla Apache	3
Fort Defiance	33	Mescalero Apache	1
Chinle	39	Acoma Pueblo	1
Tuba City	13	Zuni Pueblo	1

Weekend bus routes cover approximately 1,554 miles round trip throughout the the Navajo Nation.

Communities

Aneth	1	Gamerco	1	St. Michaels	1
Bloomfield	1	Ganado	3	Sanostee	1
Blue Gap	1	Indian Wells	2	Sheepsprings	1
Bluff	1	Kayenta	8	Shiprock	18
Chinle	23	Kirtland	8	Shonto	2
Church Rock	4	Lukachukai	2	TeecNosPos	4
Counselor	2	Magdalena	2	Tohatchi	2
Crownpoint	13	Mentmore	1	Tsaile	4
Cuba	6	Mescalero	1	Tuba City	2
Dennehotso	3	Montezuma Creek	4	Vanderwagon	1
Dulce	3	Navajo	2	Waterflow	7
Farmington	14	Newcomb	4	Window Rock	6
Flagstaff	1	Pinon	2	Winslow	1
Fort Defiance	8	Red Valley	2	Yatahey	2
Fruitland	2	Rock Point	3	Zuni	1
Gallup	4	Round Rock	3	**Total**	**188**

BUILDING FOR PUEBLO LEADERSHIP IN THE 21ST CENTURY

Santa Fe Indian School, Inc.
P.O. Box 5340
1501 Cerrillos Road
Santa Fe, New Mexico 87502

SANTA FE INDIAN SCHOOL
Office of the Superintendent
1501 Cerrillos Road Post Office Box 5340 Santa Fe, New Mexico 87502 Phone (505) 989-6300

May 27, 1998

The Honorable Pete V. Domenici
United States Senate
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Domenici:

Please accept my appreciation for you taking the time to discuss a need at Santa Fe Indian School that is of critical importance.

In March 1998, the attached newspaper article appeared in the Santa Fe New Mexican. The articles were based on information that reporters received from sources within the BIA. We have been concerned about life safety issues regarding our students and staff for some time. In 1992 we were informed by the BIA that no applications for new facilities construction were being accepted. However, as a result of this recent publicity, we feel an immediate need to determine the magnitude of this problem.

The outcome of a cursory review, conducted by a consultant that does facilities inspections for all 89 public school districts in New Mexico, is that we are extremely concerned regarding the health and safety of our children. The consultant has described our school as, ***"the most dangerous educational facilities in the state of New Mexico"*** (see Weller Report attached). We immediately scheduled a meeting with Kevin Gover, Assistant Secretary, Department of Interior and we received an immediate response. He informed us that, as a direct result of action taken by Congress, the new school construction priority list had been frozen until all 16 schools on the present list are completed. Presently we are told 8 schools have not yet received construction funding and therefore an immediate response to our crisis needs a strategy plan. Assistant Secretary Gover did offer the assistance and cooperation of his office.

We have since met with Norman Suazo, Director of FMCC and are pleased to report his cooperation in retaining Weller Architects who are conducting a comprehensive facilities needs assessment. In preparation for our meeting today, we asked for a preliminary report which is enclosed.

Recognizing the limitations of the Bureau to act immediately in providing funding for new school construction, we are coming to you to ask, once again for your assistance in developing an expeditious response to this emergency situation, on behalf of our children. Our desire, mediated with your insight, is to replace the existing facilities with new construction at a total cost of $38.9 million.

Senator Domenici, is it possible that you could arrange a meeting with Congressman Skeen, chair of the House Appropriations Sub-Committee, and with our own Congressman Redmond to address our need for new facilities construction? We intend to pursue funding through legislative action either in total or in phases pending your insight regarding timing and strategy.

Thank you for your continued availability and willingness to listen to the needs of the Santa Fe Indian School students and community. Also, please find attached the resolutions, adopted by the 19 Pueblo Governors, the Eight Northern Pueblos, and the Ten Southern Pueblos, supporting new school construction at Santa Fe Indian School.

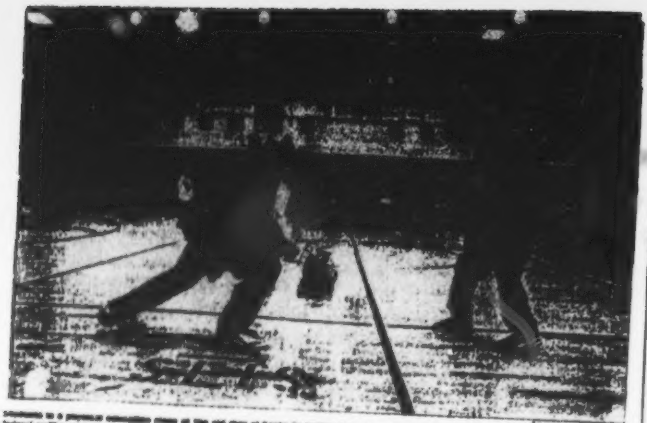
With highest regards,

J. Abeyta

Joseph Abeyta
Superintendent

Enclosures:
- Gover letter dated April 28, 1998
- Gover letter dated April 15, 1998
- DD & Associates Report
- Weller Architects Report
- BIA Report

cc: Assistant Secretary Kevin Gover
Congressman Bill Redmond
Congressman Joe Skeen



Students in a physical education class at the old gym of Santa Fe Indian School play basketball Friday. The gym bleachers are listed by a federal auditor as being dangerous and in need of repair.

[illegible]

Crumbling Indian schools struggle on

By PHIL STEWART
States News Service

WASHINGTON, D.C. — Leaky roofs drip water onto frayed electrical wiring. Asbestos-ridden buildings continue to crumble. Many classes are taught in trailer homes.

Some say raw sewage may even be seeping into a gymnasium locker room, making students and teachers sick.

This is day-to-day life at three Santa Fe-area Indian schools, where backlogged repairs total nearly $20 million, according to internal documents at the Bureau of Indian Affairs.

But the BIA doesn't even have enough money in its national budget to fix the problems in Santa Fe. Congress gave the BIA $19 million this year for construction and repairs at all 173 Indian schools nationwide.

Federal officials lament that financial relief is nowhere in sight.

Kevin Gover, head of the BIA, said that the "current poor physical condition of many of our schools, including the Santa Fe Indian School, San Ildefonso Day School and the Tesuque Day School, is of great concern to all of us."

But without adequate funding, Gover said, he can't specify when or how the repairs would be made.

Most of the problems at the Santa Fe Indian schools concern simple code violations: buildings without smoke detectors, or cafeteria dishwashers lacking enough heat to sanitize plates and utensils.

But many of the needed repairs are more serious. Take New Mexico's flagship Santa Fe Indian School, a boarding school for more than 500 students. According to a Jan. 21 BIA report, deteriorated sewage lines in the school's gym caused "staff and students to get sick."

The report said the school's dormitories are full of cancer-causing asbestos and that telephone cables were strung together with live electrical wires, capable of "transferring those high voltages to users of the phone system."

While BIA officials in Albuquerque said many of the problems at Santa Fe Indian School are being fixed, school officials declined to confirm which repairs, if any, have been made. Superintendent Joseph Abeyta did not return numerous phone calls.

For Mary Naranjo, principal of San Ildefonso Day School, the lack of BIA funding has been an embarrassment. Her kindergarten class is taught in a trailer, also known as a "portable classroom."

The rest of the elementary students are taught in the main building, which Naranjo said is more than 100 years old. The roof is leaking, the heat doesn't work properly, and the exterior stucco is crumbling.

"I've been here for 16 years, and when I got here and until now, we've been trying to get them to renovate the building," Naranjo said. She added that student enrollment has declined to 24 children, partly because of the poor condition of the school.

"We've got teachers that are innovative and we offer bilingual classes," Naranjo said. "But maybe because of how the buildings look ... parents just don't see us as ideal, I guess."

Benny Gallegos, who runs the Te Tsu Geh Oweenge Day School on Tesuque Pueblo, operates nearly all of his classes out of trailers. He said the school has no gym or outdoor playground, forcing him to "borrow" gym time from a nearby public school.

"I think these kids deserve better," Gallegos said. "My budget is tight, and I have just enough to squeeze by."

U.S. Sen. Pete Domenici, R-N.M., said he will try to use his positions on the Senate Indian Affairs and Appropriations committees to increase funding in fiscal year 1999 for Indian school construction.

"The situation is beyond terrible," Domenici said. "If the administration will propose a plan for these needed schools, I will support such an effort in Congress."

But with $754 million in total backlogged repairs at BIA schools, senior administration officials concede that there simply is not enough money to go around.

Meanwhile, Gallegos said that he must remain realistic about his plans for the Tesuque day school. Obtaining BIA money to build actual school buildings may be "too idealistic," he said, quoting remarks made by day school teachers about the trailer classrooms.

"For the most part (the teachers) are happy, because they have been given these portables," Gallegos said. "They say, 'Hey, it's better than we had before.'"

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Critical conditions at Sant

Readers
SPEAK OUT

It was painful to read of the condition of three Indian Schools in the Santa Fe area in your Jan. 31 issue, especially that of our historic Santa Fe Indian School.

The January BIA (Bureau of Indian Affairs) report identifies code violations like the lack of smoke detectors, exposed live electrical wires, and the presence of asbestos in the dormitories of the Santa Fe Indian School as well as a sickening sewage system.

Would that President Clinton might have been advised to stop here on his way between Albuquerque and Los Alamos to see these conditions for himself. Five hundred students are at risk to fire and health hazards in our city.

The Federal funding which Congress assigned to the 173 Indian schools nationwide is $19 million this year. It doesn't even cover the needs of our three area Indian schools. This tragic situation is especially ironic here in Santa Fe where private fund-raising efforts reap millions for cultural and civic organizations.

I realize that the Santa Fe Indian School, like others, is dependent for its existence on federal funds and private fund-raising is not applicable. Yet perhaps the members of our community could write our members of Congress to express our concerns regarding the critical conditions of the Santa Fe Indian School.

Barbara Berkenfield
Santa Fe

Heart of Jemez

The Baca Ranch has rightly been called the "heart" of the Jemez Mountains. The headwaters of the Jemez River, San Antonio Creek, and Santa Clara Creek, each sustaining a rich array of plants and animals native to Northern New Mexico, provide lifeblood to the surrounding area. Sen. Jeff Bingaman has proposed federal acquisition of the ranch, also known as the Valles Caldera. Justification for the acquisition and protection of this land (and for the expenditure of tens of millions of dollars) must clearly demonstrate the long-term benefit to the people of the United States. The Nature Conservancy, a nonprofit, science-based conservation organization, has a 45-year history of evaluating proposed conservation projects from this very pragmatic and scientific perspective.

The Baca Ranch has been well managed over its years of ownership by the Dunigan family. Although the land is not pristine — past practices of logging and ranching have altered the landscape — it is in remarkably good shape and provides habitat for a diverse array of species. Living in and near the ranch is a suite of rare plants and animals: Jemez Mountains salamander, Rio Grande sucker, goshawk, pine martin, and Preble's shrew, to name just a few. Now, in the big-picture view of conservation, 17 declining species is not unusual in an area of this size. Nor is 95,000 acres an enormous amount of land. But from an ecological perspective, the significance of Baca Ranch lies not in its size, or even what's on it, but in what it does. The real threat to the web of living things — ourselves included — is not the deaths of individual plants and animals, or even the loss of particular parcels of land, but the disruption of the natural processes that produce and maintain landscapes and the habitats and species they support. These processes are most frequently disrupted through fragmentation of ecosystems: the loss of key pieces of the landscape. Fragmentation is the number one threat to biological diversity on Earth.

It is the threat of fragmentation that reveals the true importance of the Baca Ranch to the conservation of the natural resources of New Mexico — the value is far out of proportion to its acreage and far in excess of the habitats that it contains and the plants and animals that live within its boundaries. Our assessment of these ecological values unequivocally supports the acquisition and protection of this unique landscape. The continued good management of the Baca Ranch's streams and forests, and the species sheltered by it, is critical to the health of the entire Jemez Mountains.

The Nature Conservancy has identified 10 crucial conservation sites within the Southern Rocky Mountains, stretching from southern Wyoming to Northern New Mexico. Ten areas with unquestionable biological value, whose protection would reach far beyond their boundaries and far beyond this century. One of these sites is the Baca Ranch.

The Nature Conservancy commends Sen Bingaman for his efforts to protect this piece of New Mexico's natural heritage. Given the potential benefit to many future

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SANTA FE INDIAN SCHOOL
Office of the Superintendent
1501 Cerrillos Road Post Office Box 5340 Santa Fe, New Mexico 87502 Phone (505) 989-6300

April 28, 1998

Honorable Kevin Gover
Assistant Secretary
Department of Interior
Bureau of Indian Affairs
1849 C Street, NW - MS 4160
Washington, DC 20240

Dear Kevin:

Thank you for the opportunity to meet with you in your Washington office. We appreciate your support of our efforts to replace the unsafe and outdated facilities here at Santa Fe Indian School. It is our dream that one day soon we will have a new and modern facility that will inspire educational excellence for Pueblo people now and for future generations.

At our recent meeting, we discussed several issues that I would like to take this opportunity to follow-up with:

1. We value your suggestions regarding how to work with our congressional delegation concerning our need for new construction. It is our intent to have a preliminary meeting with Senator Domenici next week to both inform him of our need and of our intentions to address the need by working with congressmen Skeen and Redmond. After the Domenici meeting we will follow-up with meetings with both Congressmen. In these meetings, we will indicate that we have already met with you and that you have committed yourself to supporting this initiative.

2. During our meeting you proposed that a Bureau representative do an inspection of our facilities along with our facilities consultant to validate the findings which we shared with you concerning health and safety issues. Yesterday we met with Norm Suazo to brief him on our meeting with you. We are in the process of working with him to arrange for a team to evaluate Santa Fe Indian School facilities regarding health and safety deficiencies. We will keep you

informed regarding the facilities assessment outcome. We expect to complete this task within the next ten days.

3. During our meeting in your office you will recall that we discussed with you a two million dollar Annenberg grant awarded to Santa Fe Indian School. The three year grant promotes systemic educational reform, improving educational opportunities for Pueblo youth. The grant will focus on increasing access to technology, investigation of effective community-based educational practices, development of youth leadership, development of culturally referenced curriculum, and professional development for educators and tribal members. Enclosed please find a draft of a press release regarding the Annenberg grant. We are in the process of arranging for a press conference at Santa Fe Indian School on May 15, provided that you will be available on that date. An alternative date would be during the afternoon of Saturday, May 16. Please let us know which time works best with your schedule. It is our intent to invite New Mexico Governor Gary Johnson, as well as a number of the Pueblo governors whose communities will be involved with the grant. We would be honored if you would be our featured speaker announcing the Annenberg grant.

4. Also, please find enclosed a brief concept paper regarding an Indian Youth Leadership Development Initiative that we discussed with you. We are strongly convinced of the need for such an initiative and are confident that, with your support, the tribes of New Mexico will be able to make a significant impact in addressing the problems related to youth leadership development outlined in the concept paper. It is our intent to follow-up with your office in the pursuit of revenue sources to support this initiative.

Again Kevin, thank you very much for the opportunity to meet with you. We are looking forward to working closely with you during your tenure as Assistant Secretary.

With highest regards,

Regis Pecos
School Board President

Joseph Abeyta
Superintendent

SANTA FE INDIAN SCHOOL
Office of the Superintendent
1501 Cerrillos Road   Post Office Box 5340   Santa Fe, New Mexico 87502   Phone (505) 989-6300

May 15, 1998

Mr. Kevin Gover
Assistant Secretary for Indian Affairs
Department of the Interior
1849 C Street, NW - MS4160
Washington, DC 20240

Dear Mr. Gover:

We thank you very much for taking the time to visit Santa Fe Indian School and to meet with us concerning our facility needs. At your suggestion we are working with FMCC to conduct a comprehensive facilities needs assessment of SFIS facilities. That assessment is presently in progress, and we will make the final report available to you as soon as it is complete. A status report, prepared by the contractor, Weller Architects, is enclosed. Please note that these facilities are labeled in the report as, ***"accidents waiting to happen"*** and ***"the most dangerous educational facilities in the state of New Mexico."***

Also enclosed are copies of a report from D&D Associates which has been made available under previous cover, and a memorandum from Bob Cummings, CCA, Albuquerque Area Safety Officer. As you can see, the results of these facilities inspections all conclude Santa Fe Indian School is in dire need of new facilities to replace our old, outdated, and unsafe buildings. Based on the above assessment, it is of necessity and a sense of urgency to immediately begin to address this hazardous situation at the Santa Fe Indian School. It is our intention to work with the Congress to request the projected amount of $33.6 million, the amount needed, to ensure a safe educational environment.

Kevin, we appreciate your sensitivity to our profound need and pray that you can assist us in remedying the situation on behalf of our children here in New Mexico.

Respectfully,

Regis Pecos
President, School Board

Joseph Abeyta
Superintendent

Home of the Braves
"Make Good Choices"

DD & ASSOCIATES, Innovative Risk Management Services, Inc.
1524 Gadwall Rd., Rio Rancho, NM 87124
(505) 896-0451/Fax 891-0656

March 26, 1998

Holger S. Schultz
Assistant Superintendent
Santa Fe Indian School
1501 Cerrillos Road
P.O. Box 5340
Santa Fe, New Mexico 87502

Dear Mr. Schultz:

Enclosed are the findings from the Environmental, Safety and Health Audit that was conducted by DD and Associates for Santa Fe Indian School in March of 1998.

As you will see in the report, my findings indicate an urgent need to replace or renovate existing facilities. My estimated cost to bring facilities up to building code is $34,514,582. My estimated replacement cost is $31,103,550. I observed serious problems needing immediate attention in each of the following areas:

Fire prevention
Electrical
Heating
Ventilation
Air conditioning
Asbestos
Handicapped accessibility
Water quality
Water availability
Water pressure

Based on my assessment of facilities, it is my professional opinion that the existing facilities present a grave hazard to people, property and the environment. Santa Fe Indian School students and staff are at great life risk occupying these facilities. The building structures are unsafe. Students boarded eight to nine months of the year are especially at high risk.

I would like to thank you for the opportunity to be part of the coordinated effort to make Santa Fe Indian School a safer environment for students, staff and visitors to your facilities.

Sincerely,

Al L. Duran,
Senior Risk Management Consultant
ALD/ld
Enc.

WellerArchitects

TA FE INDIAN SCHOOL

May 11, 1998

Mr Joseph Abeyta
Superintendent
SANTA FE INDIAN SCHOOL
1501 Cerrillos Road
Santa Fe, New Mexico 87502

RE: SFIS Facility Condition Assessment Study Status Report

Dear Mr Abeyta

Weller Architects, PC appreciates the opportunity to provide facility evaluation services of the existing buildings at Santa Fe Indian School We have been on-site with our team of architects and engineers (mechanical, electrical, structural and civil) for the past two weeks, inspecting and evaluating your buildings in reference to the following areas

1. **Life Safety (review and confirmation of other reports)**
2. **Americans with Disabilities Act (ADA) Compliance**
3. **Building Heating, Electrical, Plumbing, and Fire Protection Systems**
4. **Building Structures, Aesthetic Details and Finishes**
5. **Building Maintenance and Operational Costs**
6. **Site Infrastructure (Utilities and Grounds)**

The following is a brief overview of our impressions of the facilities A more detailed report will be complete within the next two weeks This summary will give you an idea of the focus of our pending report

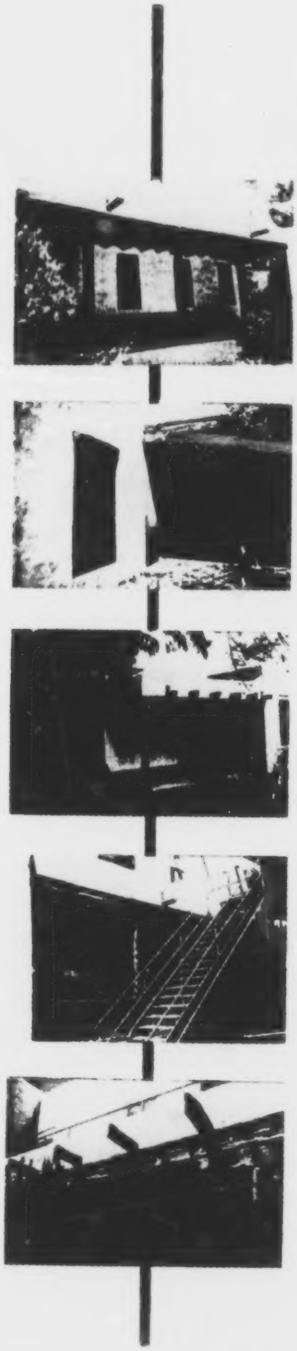
We have met with school officials, reviewed previous studies on ADA compliance and Life Safety Issues by D & D Consultants and other consultants, visited all of the buildings on campus; documented our observations in both photographs and very thorough notes; and have formed some definite assessments as to their current and future life safety code compliance and cost effectiveness as compared to comparable state-of-the-art new facilities

First let us congratulate you and your facilities maintenance staff on the extremely difficult and costly job of maintaining these important historic buildings At first glance, the facilities are very impressive considering both their age and intensive use However, on closer inspection, it is quite obvious that you have far exceeded the reasonable life expectancy the older buildings on campus Your maintenance department, after considerable effort and great expense, has gone as far it can go in the repair of these outdated facilities Even with the significant effort and funds expended (already in excess of $10,000,000) over recent years, the facilities still do not address most of the life safety issues as well as the excess continual operational costs of the campus

401 Alvarado Drive S E Suite D Albuquerque New Mexico 87108 Tel 505-255-8270 Fax 505-255-8830

Mr. Joseph Abeyta
Superintendent
SANTA FE INDIAN SCHOOL
May 11, 1998
Page 2

WellerArchitects



Santa Fe Indian School is conducting current 21st century education programs in outdated 19th century facilities. While the older buildings are excellent representatives of the historic pueblo architectural style and culture of the 19 Pueblos that govern the facility, they do not adequately support the ongoing educational programs of the school.

Furthermore, the most critical issue which has immerged from our investigations is one of the safety of the students and staff. These historic buildings exist today at a very real potential for loss of life to the students, faculty and staff. As D & D Consultants, a facility live safety consultant, noted, *"These buildings are the most dangerous educational facilities in the State of New Mexico".*

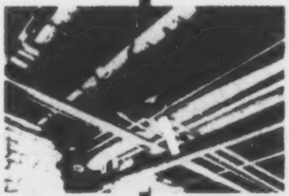
The following general observations have been made by our team of specialists.

1. The entire campus infrastructure, including water, sewer, power, gas, roadways and sidewalks need to be replaced. As noted, the water lines are undersized for both fire protection and consumption. The power distribution system for the campus is undersized for the current demands, let alone any future expansion and/or new construction. The sewer lines are barely functional and have been patched so many times that there is nothing holding the system together. The gas lines leak and constitute a definite safety hazard, not to mention wasted operational costs. A tremendous effort at great expense will be required to trace the leaks and repair them properly.

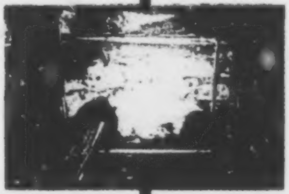
2. Both exterior and interior fire escapes are terribly inadequate. If a fire broke out in the student residences as well as many of the classroom areas, there would most certainly be loss of life. This is entirely possible given the deteriorated and overloaded conditions of the electrical systems in the buildings.

3. Although the general overall structural integrity of the buildings appears to be sound, many of the wooden components of the older structures, are rotting or cracking under stress and becoming unsound. It is highly doubtful that these structural members will survive without a major failure over the next five to ten years. Many of these structural members will need replacement soon. Most need to be repainted to avoid further deterioration.

4. Many of the unique wood architectural details of the buildings, are also rotting and falling apart. Many of the vigas, beams, canales (roof drains) and other features protruding from the exterior walls are promoting and sustaining serious water damage. They allow both rain and snow to penetrate the combination clay tile and adobe walls and destroy them from the inside out. This problem will only get worse over the years, thus requiring major continual repair and renovation work at ever increasing costs. Many of the parapets are also leaking.

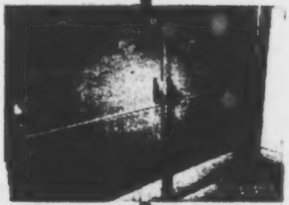


5. The mechanical systems of the buildings are in various states of condition. Some are fairly recent most are very old and are showing their age. Old steam boilers are being used to heat water, a very old and very energy wasting approach to heating. While some of these boilers are in good condition - our estimate is that they are not in need of immediate replacement - the majority will need to be replaced in the next five to ten years, at considerable expense. Furthermore, as is often the case with these types of heating systems (Steam and Hot Water) the environmental control systems are either not working or are completely lacking. This results in a condition where the students and staff open windows in the middle of winter to control the room temperature. It is a very expensive and wasteful approach to controlling the heating of the buildings.



6. Many of the buildings' mechanical, electrical and plumbing systems have been shut down and are abandoned, leaving both exposed piping and electrical leads and conduit. These obstacles present both a safety problem as well as an ongoing maintenance headache. Many of restroom fixtures are not usable because there are no faucets or sewer connections. The domestic hot water supplies in the residential buildings, do not supply enough hot water for proper personal hygiene. Hot water supplies are depleted before the students have a chance to take a shower or bath. This results in the students going without sleep in order to take showers during off hours, for example, at three a.m.

7. Almost all of the plumbing fixtures are of the non-water saver types because of age. Many have major leaks and waste a great deal of water. Many of the sinks do not have faucets at all. Mirrors throughout the facility are broken and missing. Lighting in the restrooms is totally inadequate. Restrooms have extensive moisture damage.

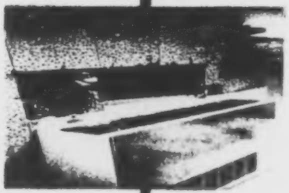


8. Many of the exit doors out of various buildings are chained shut, because of missing or inadequate door hardware.

9. Most of the classroom lighting is totally inadequate.

10. Most of the buildings are experiencing major wall cracking.

11. Most of the buildings have considerable glass breakage. Many of the windows have been boarded up.



12. There are major roofing problems throughout the campus.

13. Ventilation is poor. There is no summer cooling in the buildings, thus preventing the campus from being used effectively during the summer months.

14. There are many unsafe ceilings throughout the campus. Pieces are continually falling off and impacting student occupied areas.

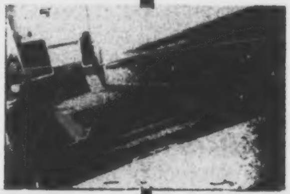
15. All of the buildings have steps or stairs at their entrances. There are no ramped accesses on the exterior or interior of the buildings. Most buildings are two stories with no elevator access to the upper floors. Many of the exterior fire exits are used for daily access to the upper floors of the student housing. Furthermore the older stairways are unsafe and inadequate for mass exit in case of fire. Most handrails are not strong enough laterally to withstand the stress of a mass exit.

16. Many of the exterior doorways have raised thresholds (8" to 10") and have to be stepped over to be negotiated.

17. Many structural beams and columns are rotten or split.

18. Exterior and interior finishes require a great deal of continual maintenance work.

19. Fire alarm panels are not accessible or visible to occupants and/or fire personnel. Two of the buildings have recently installed fire sprinkler systems which cannot be activated due to lack of water supply and pressure.



20. The campus is served by single phase power - a major problem when buying more energy efficient electrical equipment and motors.

The primary reason for this evaluation has been to determine the life safety issues of the facilities and the associated costs of repair and/or replacement of the buildings to bring them into compliance and provide adequate safety for the students and employees of the school. The items above are just a few of the many substandard and hazardous conditions that exist at school. Ongoing operational costs are also a major consideration.

We are still completing the evaluation and have not arrived at an exact estimate of costs as of this date. We have, however, analyzed enough information to determine that the needed repairs and renovations will be very expensive. They are rapidly approaching, if not exceeding, that of constructing and maintaining a totally new replacement campus which would last longer at far less operational costs.

We appreciate the opportunity to work with the Santa Fe Indian School on this very important effort. We will be finishing our report over the coming weeks for your review and acceptance.

Sincerely,

Louis L. Weller

Louis L. Weller, AIA
Principal

Memorandum

To: Joseph Abeyta, Superintendent

From: Robert L Cummings, CCA

Date: May 14, 1998

Re: SAFETY INSPECTION

Recent field inspection of the Santa Fe Indian School for Health and Safety proves that I find the situation of safety and health one of jeopardy for the students and faculty. This situation is from the results of applying a band aide to a school that has been hemorrhaging for years from inadequate funding.

I concur with the findings of DDC Associates, Risk Management Services of Rio Rancho, New Mexico in their findings of March, 1998, their assessment of the facilities was one of professional quality. The assessment of Fire Safety Sales Company of 200 Florence Street, Santa Fe, New Mexico concerning emergency lighting is also valid.

For the past eighteen (18) years that I know, the school has received only a small amount of money to sustain the institution. The overall plumbing, electrical and sanitary service lines have steadily deteriorated to a point that the only deterrent to complete collapse is a major project of re-building the campus from the site up.

This school is part of the heritage of the Indian people it has served and will serve and could be a show place for Indian Education.

Robert F. Cummings
Robert F Cummings, C.C.A.
B.I.A. Albuquerque Area
Safety Officer

SANTA FE INDIAN SCHOOL

1501 Cerrillos Road Post Office Box 5340 Santa Fe, New Mexico 87505 Phone (505) 989-6300

SANTA FE INDIAN SCHOOL, INC.
RESOLUTION 51598
PROPOSED PLANNING, DESIGN AND CONSTRUCTION AT SANTA FE INDIAN SCHOOL

WHEREAS, the Nineteen Pueblo Governors are the governing body for the Santa Fe Indian School, Inc., and

WHEREAS, there is a need for construction to address the health and safety needs of the Santa Fe Indian School.

NOW, THEREFORE BE IT RESOLVED, that the Nineteen Pueblo Governors reaffirm their authorization for Santa Fe Indian School, Inc., to be a P.L. 100-297 grant school, and

BE IT FURTHER RESOLVED, that Santa Fe Indian School, Inc., is authorized to apply for facilities planning, design and construction money under P.L. 100-297, for design and construction of a math, science and technology building and any future facilities planning, design and construction for Santa Fe Indian School under 100-297, and

BE IT FINALLY RESOLVED, that Santa Fe Indian School, Inc., is authorized to administer these funds under P.L. 101-301, and its Board of Directors, appointed by the 19 Pueblo Governors, is authorized to conduct any and all business pertaining to Santa Fe Indian School on behalf of the Governors.

CERTIFICATION

The foregoing resolution was adopted at a meeting of the Nineteen Pueblo Governors on this 15 day of May, 1998, with 19 in favor, 0 opposed, and 0 abstaining.

Home of the Braves
'Make Good Choices'

Santa Fe Indian School, Inc.

PUEBLO OF ACOMA

PUEBLO OF COCHITI

PUEBLO OF ISLETA

Vincent Toya
PUEBLO OF JEMEZ

PUEBLO OF LAGUNA

PUEBLO OF NAMBE

Manuel Archuleta
PUEBLO OF PICURIS

Leroy C. Montoya For Governor Jacob Viarrial
PUEBLO OF POJOAQUE

PUEBLO OF SANDIA

PUEBLO OF SAN FELIPE

PUEBLO OF SAN ILDEFONSO

Earl N. Salazar
PUEBLO OF SAN JUAN

Ronald Montoya
PUEBLO OF SANTA ANA

Walter Dasheno
PUEBLO OF SANTA CLARA

Tony Tortalita
PUEBLO OF SANTO DOMINGO

For Gov Romero
PUEBLO OF TAOS

Ramos Romero
PUEBLO OF TESUQUE

Ervin Ruiz for Gov. Edwin Shije
PUEBLO OF ZIA

PUEBLO OF ZUNI

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL, INC.

P.O. Box 969
San Juan Pueblo, New Mexico 87566
(505) 852-4265

RESOLUTION NO 05-21-98

PROPOSED PLANNING, DESIGN AND CONSTRUCTION AT SANTA FE INDIAN SCHOOL

WHEREAS, the Eight Northern Indian Pueblos Council, Inc. is comprised of the northern New Mexico Pueblo Tribes of Taos, Picuris, San Juan, Santa Clara, San Ildefonso, Pojoaque, Nambe, and Tesuque; and

WHEREAS, the Eight Northern Indian Pueblos Council, Board of Governors comprising of appointed and elected Tribal Governors from the respective Eight Northern Pueblo Tribes; and

WHEREAS, the Eight Northern Indian Pueblos Governors are members of the governing body for the Santa Fe Indian School, Inc.; and

WHEREAS, there is a need for construction to address the health and safety needs of the Santa Fe Indian School.

NOW, THEREFORE BE IT RESOLVED, that the Eight Northern Indian Pueblos Council Board of Governors reaffirm their authorization for Santa Fe Indian School, Inc., to be a P.L. 100-297 grant school; and

BE IF FUTHER RESOLVED, that Santa Fe Indian School, Inc., is authorized to apply for facilities planning, design and construction money under P.L. 100-297, for design and construction of a math, science and technology building and any future facilities planning, design and construction for Santa Fe Indian School under 100-297; and

BE IT FURTHER RESOLVED, that Santa Fe Indian School, Inc., is authorized to administer these funds under P.L. 101-301, and its Board of Directors, appointed by the 19 Pueblo Governors, is authorized to conduct any and all business pertaining to Santa Fe Indian School on behalf of the Eight Northern Indian Pueblos Governors.

RESOLUTION NO. 05-21-98

CERTIFICATION

We hereby certify that Resolution No. 05-21-98 was considered and adopted at an Eight Northern Indian Pueblos Council, Inc., Board of Governors meeting held on May 11, 1998 and that a quorum was present and that the vote was 8 in favor, 0 opposed, 0 abstained and 0 absent.

Signed this 11th day of May 1998.

Walter Dasheno
Governor Walter Dasheno
Chairman
Pueblo of Santa Clara

Earl N. Salazar
Governor Earl N. Salazar
Vice-Chairman
Pueblo of San Juan

Ruben A. Romero
Governor Ruben A. Romero
Pueblo of Taos

Manuel Archuleta
Governor Manuel Archuleta
Pueblo of Picuris

Harvey A. Martinez
Governor Harvey A. Martinez
Pueblo of San Ildefonso

Governor David Perez
Pueblo of Nambe

Tommy Viarrial for
Governor Jacob Viarrial
Pueblo of Pojoaque

Ramos J. Romero
Governor Ramos Romero
Pueblo of Tesuque

Attest: Bernie Teba
Bernie Teba, ENIPC
Executive Director

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL, INC.

P.O. Box 969
San Juan Pueblo, New Mexico 87566
(505) 852-4265

RESOLUTION NO. 03-11-98

WHEREAS, the Eight Northern Indian Pueblos Council, Inc. is comprised of the northern New Mexico Pueblo Tribes of Taos, Picuris, San Juan, Santa Clara, San Ildefonso, Pojoaque, Nambe, and Tesuque; and

WHEREAS, the Eight Northern Indian Pueblos Council, Board of Governors comprising of appointed and elected Tribal Governors from the respective Eight Northern Pueblo Tribes; and

WHEREAS, the Santa Fe Indian School is owned and operated by the 19 Pueblo tribes of New Mexico and serves all 22 tribes from the State of New Mexico, and

WHEREAS, the majority of the facilities at Santa Fe Indian School were built prior to the 1920's, with no new construction in the last 30 years; and

WHEREAS, it has been brought to our attention that the old and dilapidated conditions of the Santa Fe Indian School do not meet basic safety and health requirements, thus creating an emergency situation; and

WHEREAS, facility requirements to meet the educational needs of our students in today's technological society have changed dramatically over the last 30 years; and

WHEREAS, the Eight Northern Pueblo Governors support quality education embraced by modern facilities.

NOW THEREORE BE IT RESOLVED THAT, the EIGHT NORTHERN PUEBLO Governors support the planning, design and construction of new school facilities on the Santa Fe Indian School campus.

BE IT FURTHER RESOLVED, that the Federal Government respond as soon as possible to the obvious and glaring needs present at the Santa Fe Indian School by funding the planning, design and construction of new school facilities; and

BE IT FURTHER RESOLVED, that our New Mexico Congressional Delegation be advised of the health and safety issues at the Santa Fe Indian School and their support be solicited for funding of new facilities

RESOLUTION NO. 03-11-98

CERTIFICATION

We hereby certify that Resolution No. 03-11-98 was considered and adopted at an Eight Northern Indian Pueblos Council, Inc., Board of Governors meeting held on March 9, 1998 and that a quorum was present and that the vote was 8 in favor, 0 opposed, 0 abstained and 0 absent.

Signed this 9th day of March 1998.

Governor Walter Dasheno
Chairman
Pueblo of Santa Clara

Earl N. Salaza
Governor Earl N. Salazar
Vice-Chairman
Pueblo of San Juan

Ruben A Romero
Governor Ruben A. Romero
Pueblo of Taos

Manuel Archuleta
Governor Manuel Archuleta
Pueblo of Picuris

Harvey A. Martinez
Governor Harvey A. Martinez
Pueblo of San Ildefonso

Governor David Perez
Pueblo of Nambe

Governor Jacob Viarria
Pueblo of Pojoaque

Governor Ramos Romero
Pueblo of Tesuque

Atest: Bernie Teba
Bernie Teba, ENIPC
Executive Director

ALL INDIAN PUEBLO COUNCIL

RESOLUTION 1998-12
PROPOSED PLANNING, DESIGN AND CONSTRUCTION OF SANTA FE INDIAN SCHOOL

WHEREAS, The All Indian Pueblo Council is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, San Juan, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni; and

WHEREAS, the Santa Fe Indian School is owned and operated by the nineteen Pueblos of New Mexico and serves all 22 tribes from the state of New Mexico; and

WHEREAS, the majority of the facilities at Santa Fe Indian School were built prior to the 1920's, with no new construction in the last 30 years; and

WHEREAS, it has been brought to our attention that the old and dilapidated conditions of the Santa Fe Indian School do not meet basic safety and health requirements, thus creating an emergency situation; and

WHEREAS, facility requirements to meet the educational needs of our students in today's technological society have changed dramatically over the last 30 years; and

WHEREAS, the nineteen Pueblo Governors support quality education embraced by modern facilities; and

page two
RES.98-12

NOW THEREFORE BE IT RESOLVED that the All Indian Pueblo Council respectfully supports the planning, design and construction of new school facilities on the Santa Fe Indian School campus.

BE IT FURTHER RESOLVED THAT the Federal Government respond as soon as possible to the obvious and glaring needs present at the Santa Fe Indian School by funding the planning, design and construction of new school facilities; and

BE IT FURTHER RESOLVED THAT, that our New Mexico Congressional Delegation be advised of the health and safety issues at the Santa Fe Indian School and their support be solicited for funding of new facilities.

BE IT FINALLY RESOLVED THAT, by adoption of this Resolution the member Pueblos of the All Indian Pueblo Council request that funding for other federally funded schools not be negatively impacted.

CERTIFICATION

I, the undersigned, as Chairman of the All Indian Pueblo Council do hereby certify that the foregoing Resolution was passed on the **18th day of March, 1998,** at which time a quorum was present with 17 voting for, 0 voting against, and 0 abstaining.

Roy W. Bernal, Chairman

ATTEST:

Amadeo Shije

Amadeo Shije, Secretary/Treasurer

AIPC RESOLUTION 1998-12

Santa Fe Indian School

PUEBLO OF ACOMA

PUEBLO OF ISLETA

PUEBLO OF LAGUNA

Manuel Archuleta
PUEBLO OF PICURIS

PUEBLO OF SANDIA

PUEBLO OF SAN ILDEFONSO

PUEBLO OF SANTA ANA

Tony Tortalita
PUEBLO OF SANTO DOMINGO

PUEBLO OF TESUQUE

PUEBLO OF ZUNI

PUEBLO OF COCHITI

Vincent
PUEBLO OF JEMEZ

PUEBLO OF NAMBE

PUEBLO OF POJOAQUE

PUEBLO OF SAN FELIPE

Earl N. Salazar
PUEBLO OF SAN JUAN

Walter Dasheno
PUEBLO OF SANTA CLARA

PUEBLO OF TAOS

PUEBLO OF ZIA

SANTA FE INDIAN SCHOOL

Construction Costs Summary

May 27, 1998

Following is a breakdown of total costs for new school construction based on 900 students. These costs assume that 60% of all students will be residential. The only new facilities for junior high are cottages.

I. Planning and Design		$2,535,000
II. Demolition		$150,000
III. Infrastructure		$5,176,500
Utilities	594,000	
Road and Parks	3,520,000	
Sidewalks, Pathways & Landscaping	660,000	
Athletic Field Improvements	402,500	
IV. Construction		$28,190,500
Math, Science and Technology Bldg. 25,200 sq. ft. @ $115/sq. ft.	2,900,000	
Language Arts, MLC, Social Studies Bldg. 44,700 sq. ft. @ $115/sq. ft.	5,140,500	
Residential Cottages 38 @ 3,000 sq. ft. @ $100/sq. ft.	11,400,000	
Student and Community Center 50,000 sq. ft. @ $115/sq. ft. Cafeteria, Administrative offices, Fine and Practical Arts classrooms, Parent and community center.	5,750,000	
Gym 34,000 sq. ft. @ $88/sq. ft.	3,000,000	
V. Furniture and Equipment		$2,800,000
Academic	2,100,000	
Residential	700,000	
TOTAL		$38,852,000

PUEBLO OF TESUQUE
Route 5, Box 360-T
Santa Fe, New Mexico 87501
(505) 983-2667 Telephone
(505) 982-2331 Telefax

POSITION PAPER ON

INDIAN SCHOOL CONSTRUCTION

April 17, 1998

We are writing to provide public witness testimony in support of additional funding for Indian school construction.

The President's FY 1999 budget request contains $86.6 million for Indian school construction. This is a significant increase over the past year's allocation; however, it is still far from what is required to cover the massive demand for both new school construction and the need for primary repairs to older schools in Indian Country. **According to a report released last December by the General Accounting Office ("GAO"), the estimated cost of *repairs alone* is $754 million.**

The GAO report finds that, of the 187 schools operated by the Bureau of Indian Affairs ("BIA"), sixty are in need of *complete replacement or serious restoration.* In addition, 63% of these schools are over thirty years old, and another 26% are over fifty years old.

As a short-term solution to these problems, BIA and the tribes have funded the purchase of portable classrooms. These portable classrooms are in reality just trailers and were designed to last up to ten years. However, because of the tremendous backlog and lack of funds, many of these buildings have been in use for ten to fifteen years. Indian children have been forced to brave the elements as they go from class to class in the harsh climates of Northern and Western states.

A perfect example of the need for funding can be found within the BIA itself. For years, BIA has maintained a Replacement School Construction Priority List ("list"). This list currently has sixteen schools on it, but it has not been added to since 1993 due to a lack of adequate funding. Six of the schools on the list have been completed and are in the final stages of funding, but the remaining ten are in various stages of funding from planning to construction. The Senate, realizing the need for additional money, approved an additional $80 million above the Administration's request for Indian school construction. We strongly urge you to accept this higher level of funding and appropriate the total amount recommended by the Senate Budget.

Consider the situation at our TeTsu Geh Oweenge Day School located north of Santa Fe, New Mexico. The school serves grades K-6, and classes are conducted in three portable classrooms and a main building built in the 1940s. Over the past three years, "band-aid" repairs have been made to the roof and heating system of the main building to keep it operational; however, the conditions remain overcrowded, and the structures continue to deteriorate rapidly.

The Pueblo of Tesuque would like to build a new facility to serve grades K-8 and to act as a base for the Pueblo's fledgling Head Start and Early Head Start programs. The school would also serve as a central location for pueblo community activities and evening adult education and training programs.

The infrastructure of all public schools is in a serious state of disrepair, but the GAO report found that *BIA schools were in worse physical condition than even many inner city schools.* Unlike these schools, which are the responsibility of state and local governments, BIA schools are solely a federal responsibility. The federal government needs to live up to this fundamental responsibility and to provide the necessary funds to complete the essential school construction needs of Indian Country.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

RESOLUTION OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM: BOARD OF DIRECTORS

SUPPORT FOR THE INSTITUTE OF AMERICAN INDIAN ART

February 2,1998

WHEREAS, The American Indian Higher Education Consortium (AIHEC) is the only national, professional organization devoted solely to higher educational opportunities for Native Americans; and

WHEREAS, AIHEC represents thirty-one tribal colleges, the student populations of which, include hundreds of tribes from both North America and Canada; and

WHEREAS, The mission of AIHEC includes the support of its member institutions, especially in addressing the technical needs of the tribes and colleges, and in promoting the enhancement and preservation of tribal cultures; and

WHEREAS, AIHEC met, in regular session, on February 2, 1998, and considered a presentation and request for support and assistance from board members and the president of the Institute of American Indian Arts; and

WHEREAS, The Institute of American Indian Arts is in the process of modifying its organizational culture to more adequately address:

1. The needs and educational program of the student body;
2. Planning and accountability;
3. Communications and public relations;
4. Participative management; and
5. Community/constituent involvement and empowerment; and

WHEREAS, The Institute of American Indian Arts requested, and is now receiving, technical assistance, from AIHEC-member faculty, in matters related to accreditation, budget, and legislation; and

WHEREAS, The Institute of American Indian Arts is the only institution of higher learning devoted solely to American Indian and Alaska Native art and cultures;

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

2.

AIHEC BOARD OF DIRECTOR'S RESOLUTION:

SUPPORT FOR
THE INSTITUTE OF AMERICAN INDIAN ARTS (cont.)

NOW, THEREFORE BE IT RESOLVED: That the Board of Directors of the American Indian Higher Education Consortium supports the continued existence of the Institute of American Indian Art and Culture (I.A.I.A.) and urges the Congress to

1. rescind the language in the FY 1998 I.A.I.A. appropriations bill that effectively discontinues Federal funding after FY 1999;
2. agree with the FY 1999 funding request of the I.A.I.A. and provide funding at least equal to I.A.I.A.'s FY 1998 appropriation of $4.25 million;
3. monitor the progress of I.A.I.A. in its efforts to modify its organizational culture, attain full accreditation, construct its new campus and generally fulfill the mandates of its mission statement, legislation, and Congressional Charter; and
4. honor, and celebrate the accomplishment of, the trust responsibility of providing the impetus and support necessary for Native Americans to enjoy an equal educational opportunity and ultimate self-determination and self-reliance.

ATTEST:

President/Secretary
AIHEC Board of Directors

April 5, 1998
Date

BEST COPY AVAILABLE

DINÉ COLLEGE
"The Higher Education Institution of the Navajos"
OFFICE OF THE PRESIDENT

Urgent!

June 5, 1998

The Honorable Pete V. Domenici, Sr.
UNITED STATES SENATE
328 Hart Building
Washington, DC 20510

Dear Senator Domenici:

I am writing to follow-up on our request for your support to increase fiscal year 1999 funding for Diné College and the 25 other tribal colleges funded through the Tribally Controlled Community College Act (TCCC Act) from $5.5 Million to $7 Million. President Clinton recognizes that tribal colleges have been inadequately funded for many years and his office has submitted his FY 1999 budget for tribal colleges at $7.0 Million to be distributed to all 26 tribal colleges including $1.5 Million to fund urgent needs at Diné College. Diné College is requesting an increase in federal funding for fiscal year 1999 from $7,393,500 to $8,893,500, an increase of $1.5 Million.

The American Indian Higher Education Consortium (AIHEC) Board of Directors which represents all 30 tribally-controlled colleges wholeheartedly endorses this request to increase federal funding to Diné College by $1.5 Million through the TCCC Act to meet urgent life and safety needs as well as to support academics and academic support programs.

Although the 1992 Reauthorization Act authorized Diné College to receive an additional $2 Million per year for five (5) years beginning in 1993 through 1997 to address urgent renovation and construction needs, the College did not receive any funding through this appropriation. Further, many letters of support were sent to key legislators to request allocation of the $2 Million; however no allocation has been received. The College is facing many urgent concerns to continue meeting the growing educational demands of the Navajo Nation, and support from your office to allocate and amend the TCCC Act to increase Diné College's funding level by $1.5 Million is appreciated.

Diné College anticipates your favorable consideration in this request. Please see enclosed documents for specific information regarding our request. I will be glad to furnish you additional information you may need to render a favorable decision. Please contact me at (520) 724-6669, if you have any questions or comments.

Sincerely,

Diné College

Tommy Lewis

Dr. Tommy Lewis
President

Enclosure

P.O. BOX 126 • TSAILE, ARIZONA 86556 • 520-724-6671 • FAX 520-724-3327

Per Capita Analysis of Non-governmental Funds and 1998 TPA Distributions in Descending Order of Non-governmental Funds

Tribe	BIA service pop.	Fiscal year end for financial statement	Total non-gov. funds available	Per capita analysis of non-gov. funds available (AR/E)	TPA base funding FY 1998	Per capita analysis of 1998 TPA
Mashantucket Pequot Tribe	155	9/30/96	311,708,000	2,011,019	385,000	2,484
Saginaw Chippewa Indian Tribe	825	9/30/96	180,944,872	219,327	635,562	770
Coushatta Tribe of LA	362	12/31/96	69,273,991	191,365	392,430	1,084
Table Mountain Rancheria	115	12/31/95	16,600,992	144,356	145,933	1,269
Pueblo of Sandia	313	12/31/96	31,528,991	100,732	278,000	888
Fort McDowell Mohave-Apache	887	9/30/95	89,345,178	100,727	463,090	522
Cabazon Band/Cahuilla Mission	48	6/30/96	4,264,705	88,848	184,446	3,843
Forest County Potawatomi Cm	501	9/30/95	28,786,309	57,458	176,116	352
Seminole Tribe of Florida	2,292	6/30/96	144,937,418	50,147	2,741,628	1,196
Southern Ute Indian Tribe	1,411	9/30/96	70,449,028	49,928	1,841,456	1,305
Las Vegas Paiute Tribe	219	12/31/96	10,096,188	46,101	163,359	746
Ak-chin Indian Community	734	12/31/96	30,046,500	40,935	249,438	340
Yavapai-Prescott Tribe	241	12/31/96	9,460,070	39,253	123,065	511
Cocopah Indian Tribe	448	12/31/94	16,659,647	37,187	504,039	1,125

Ho-Chunk Nation	2,510	6/30/96	91,867,795	36,601	534,639	213
Mille Lacs Band, Chippewa	1,408	9/30/95	45,963,550	32,645	719,624	511
Cuyapaipe/Diegueno Mission Ind.	8	12/31/95	238,756	29,845	122,140	15,268
Pueblo of Pojoaque	162	9/30/94	4,134,521	25,522	419,400	2,589
Mississippi Band of Choctaw	7,419	9/30/96	179,933,448	24,253	2,992,800	403
Confed. Tribes of Colville Res.	4,929	9/30/95	110,526,199	22,424	7,224,442	1,466
Morongo Band/Cahuilla Mission	1,393	6/30/95	30,139,131	21,636	132,474	95
Cow Creek Umpqua	447	12/31/96	8,877,654	19,861	415,257	929
Oneida Tribe of Indians of WI	4,837	9/30/96	91,515,000	18,920	895,959	185
Tunica Biloxi Indians of LA	211	12/31/94	3,386,947	16,052	342,194	1,622
Conf. Tribes, Warm Springs Rs	2,885	12/31/96	43,807,327	15,185	0*	0*
Shakopee Mdewakanton Sioux	230	9/30/96	3,379,644	14,694	159,957	695
Hannahville Indian Community	390	9/30/96	5,688,917	14,587	491,783	1,261
Lac Vieux Desert/LS Chippewa	311	12/31/95	4,160,240	13,377	472,879	1,521
Muckleshoot Indian Tribe	3,521	12/31/96	36,483,409	10,362	852,357	242
Ute Indian Tribe	3,205	9/30/94	32,521,441	10,147	451,464	141
Total					**24,510,931**	

* received funds through BIA regional office only

Total TPA funding for FY 1998 - $24,510,931

Total TPA funding available for redistribution - $12,255,465.5

Diné College
Executive Summary
FY 1999 Appropriations Request

1. **Legal Authorities:**
   - Treaty of 1868 between Navajo Nation and the United States
   - P.L. 92-189, Navajo Community College Act
   - P.L. 100-297, Title II of the Tribal Controlled Community College Act of 1978 as amended April 1988
   - P.L. 102-325, Reauthorization of the Tribal College Act, Amendment to Title II as amended July 1992

2. **Appropriations Requested for FY 1999:**

20% increase of $1.5 million over last year's appropriation to:	$8,893,500
Appropriations Received in FY 1998:	$7,393,500

3. **Navajo Community College Needs:**

A. *Interior Appropriations*

1. Diné College respectfully requests a review of Title II of the Tribally Controlled Community College Act : TCCC Act). Title II provides for appropriation of such sums as may be necessary for annual capital expenditures, equipment needs, minor capital improvements, remodeling projects, physical plant maintenance,operation costs and major capital improvements, The intent of these amendments is clearly to provide funds as needed to meet the overall operating physical plant costs and debt obligation costs as well as other identified needs of Diné College.

Diné College has never received the total funds requested allowable under the law and its funding has continually been insufficient. Operational, programmatic and administrative services have been and continue to be severely limited in the delivery of post-secondary education programs to the Navajo students.

The Navajo Nation is comparable to several states in the union, in fact it is larger than several. As the largest Indian nation in the United States with a land base of 27,000 square miles and a population exceeding 250,000. Diné College operates a multi-campus system similar to state educational systems throughout the United States. For example, the College operates eight (8) campus facilities ranging from 1560 sq.ft. to 365,558 sq. ft. with a total square footage of 517,493 square feet. Overall, the annual cost to maintain our eight (8) facilities is in the range of $1.8 million and with the incorporation of technology into our multi-campus system the overall cost will continue to increase by at least 25%.

2. In the reauthorization of the TCCC Act, P.L. 102-325 Amendment to Title II, it states, "For the purpose of making construction grants under this Act, there is authorized to be appropriated $2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the four succeeding fiscal years." This authorization expired in FY 1997. the College has received no funding under this amendment.
Diné College strongly request the appropriations in fulfillment of Congress' existing promises to address serious life and safety concerns at our eight (8) campus facilities

B. U.S. Department of Agriculture Appropriation FY 1997

1. Continued support is requested by Diné College in working with the "Equity in Educational Land-Grant Status Act of 1994", to include the 1994 Land-Grant Institutes in the national land-grant appropriations for true equity in educational land-grant status.

   2. Continued Support is needed for USDA's request for the second $4.6 million installment for the Native American Institutions Endowment Fund. Additional authorizations include: (1) $50,000 for each 1994 Institution [Section 534(a)]; (2) $5,000.000 for cooperative extension administered by state institutions at 1994 institutions by cooperative agreement [Section 534(b)j]. This appropriation is to be in addition to the direct appropriation for Indian reservation extension agents discussed above; and (3) $1,700,000 for capacity building grants for 1994 institutions [Section 535].

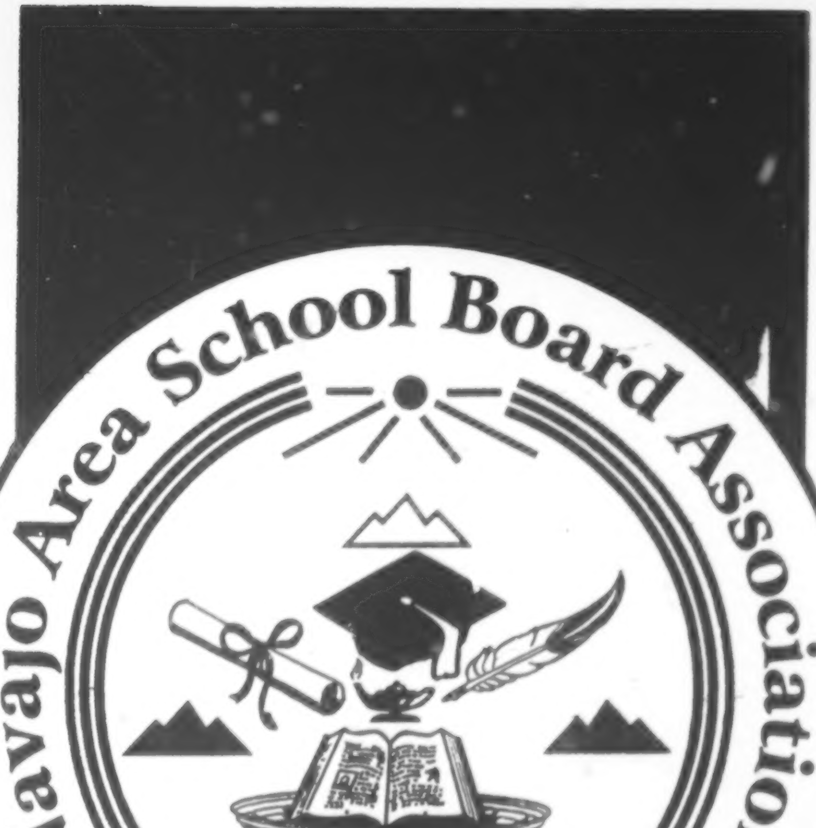
5. SUMMARY:

A. Diné College requests an increase in appropriations of at least $1.5 million, 20% over FY 1998 appropropriations to $8,893,500 from the TCCC Act. We further request that appropriations for Diné College under the Navajo Community College Act be increased commensurate with academic growth and expansion, population growth, facilities, land ba and residential programs.

B. In the reauthorization of the TCCC Act, an amendment was made to Title II, P.L. 102-325, for Navajo Community College (now Diné College). The amendment authorized $2 million a year to be appropriated for five (5) fiscal years beginning in 1993 through 1997. Despite repeated pleas and intensive lobbying, Diné College never received any funding under this authorization. Diné College has over $50 million in urgent renovation and construction needs. The College respectfully requests this be included in the new Higher Education Act under review.

C. Any additional appropriation for grants to Diné College in an amount necessary for operation and maintenance of the College including but not limited to administrative, academic and maintenance costs beginning FY 1999.

D. Continued support is requested to amend Title II of P.L. 92-189 (the Navajo Community College Act) which will provide Diné College an opportunity to expand its services and facilities for of support four-year baccalaureate programs, and that will include operational and maintenance funding levels proportionate to the level of operations, population and growth rate.


Navajo Area School Board Association
N.A.S.B.A.

ISSUE: Inadequate Operations and Maintenance Funding

- The Bureau of Indian Affairs' appropriations for facilities operations and maintenance on Navajo have essentially been flat since FY 1994, with an actual decrease in FY 1998.

- Operations and maintenance need is based on a formula originally developed by the Department of Defense for determining costs for facilities operations and maintenance.

- Current appropriations (see following table) are only 66% of need. This leads to:

  - Insufficient staff and supplies to perform the preventive maintenance required to prevent emergency repair requirements in the future.

  - Steady decline in the condition of existing facilities.

  - Increase in the cost of emergency repairs and maintenance, which further reduces the funds available to perform routine preventive maintenance.

- Just fixing things up is not good maintenance; good maintenance prevents breakdowns. The biggest cost of maintenance is usually not the cost of repair, even if done at high overtime labor rates; more often the big cost is the "down for repairs" cost.

- Break down repair jobs are almost always bigger than preventive maintenance repair jobs. It may cost something to repair a loose front wheel on a car, for example, but it will cost much more to repair the car after the wheel comes loose on the road.

- Many Navajo schools were built in the 1930's by the CCC and similar organizations.

- School infrastructure has in most cases passed its expected life cycle for replacement. Examples are:

  - Several 1930-era schools are still relying on 1930-era water and sewer lines.

  - Several 1960-era schools still have the original roofs, most of which are leaking.

  - Almost all schools have their original electrical wiring, while needs (for computers, etc.) have increased significantly.

- We urgently need the assistance of Congress to assure that our schools are safe and operational in this and future years.

FACILITIES OPERATIONS AND MAINTENANCE FUNDING COMPARISON

NEED

FY	90	91	92	93	94	95	96	97	98
Shiprock	3,195,649	3,467,662	4,016,580	4,611,619	5,303,939	5,583,950	6,093,250	6,360,232	6,265,448
Western Navajo	4,810,346	5,389,797	4,568,664	5,598,387	6,592,084	6,733,302	7,265,256	6,932,440	7,288,320
Eastern Navajo	5,224,754	5,953,704	6,013,993	6,849,405	8,484,095	8,836,907	9,600,956	9,742,901	9,601,867
Chinle	3,592,773	3,937,496	3,591,207	4,229,379	5,315,570	5,549,211	6,231,611	6,685,826	7,002,291
Ft. Defiance	3,653,123	4,027,283	3,340,532	4,296,094	5,047,724	5,573,206	6,055,783	5,987,383	6,562,126
	20,476,645	22,775,942	21,530,976	25,584,884	30,743,412	32,276,576	35,246,856	35,708,782	36,720,052

CONSTRAINED

FY	90	91	92	93	94	95	96	97	98
Shiprock	3,195,649	3,467,662	3,800,376	3,924,928	4,058,899	4,065,017	4,072,784	4,478,045	4,152,554
Western Navajo	4,810,346	5,389,797	4,322,742	4,585,916	4,967,804	4,904,869	4,856,164	4,880,918	4,830,485
Eastern Navajo	5,224,754	5,953,704	5,690,271	5,819,143	6,431,460	6,437,237	6,417,366	6,859,678	6,363,835
Chinle	3,592,773	3,937,496	3,397,899	3,479,070	4,014,592	4,040,511	4,165,267	4,707,285	4,640,913
Ft. Defiance	3,653,123	4,027,283	3,160,716	3,254,993	3,830,342	4,059,796	4,047,741	4,215,531	4,349,183
	20,476,645	22,775,942	20,372,004	21,064,050	23,303,097	23,507,430	23,559,322	25,141,457	24,336,970
Per Cent of Need	100.00%	100.00%	94.62%	82.33%	75.80%	72.83%	66.84%	70.41%	66.28%

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SCHOOL YEAR 1997-1998 ENROLLMENT DATA

		INST	RESID	DORM		
NAME	GRADE	ADM	ADM	ADM	TYPE	STATE
SHIPROCK AGENCY						
Aneth Community School	K-6	270	85	0	BIA	UT
Aztec Dormitory	9-12	0	0	100	BIA	NM
* Beclabito Day School	K-4	96	0	0	BIA	NM
Cove Day School	K-6	77	0	0	BIA	AZ
Nenahnezad Boarding School	K-6	403	67	0	BIA	NM
Red Rock Day School	K-8	236	0	0	BIA	AZ
Sanostee Day School	K-3	110	0	0	BIA	NM
* T'iis Nazbas (Teecnospos) Community	K-8	375	125	0	BIA	AZ
* Toadlena Boarding School	K-8	223	70	0	BIA	NM
Shiprock Reservation Dormitory	9-12	20	0	98	CONT	NM
Shiprock Alternative High School	9-12	182	0	0	CONT	NM
Shiprock Alternative Elementary School	K-6	199	0	0	CONT	NM
Navajo Preparatory School	9-12	188	175	0	CONT	NM
WESTERN NAVAJO						
Chilchinbeto Day School	K-8	102	0	0	BIA	AZ
Dennehotso Boarding School	K-8	345	114	0	BIA	AZ
Flagstaff Dormitory	9-12	0	0	160	CONT	AZ
Kaibeto Boarding School	K-8	465	134	0	BIA	AZ
Kayenta Boarding School	K-8	509	232	0	BIA	AZ
* Leupp Boarding School	K-12	412	106	0	CONT	AZ
Navajo Mountain Boarding School	K-8	151	65	0	BIA	AZ
Tonalea (Red Lake) Day School	K-8	339	0	0	BIA	AZ
Richfield Dormitory	9-12	0	0	82	CONT	UT
Rocky Ridge Boarding School	K-8	214	73	0	BIA	AZ
Shonto Boarding School	K-8	660	211	0	CONT	AZ
Tuba City Boarding School	K-8	1,144	178	0	BIA	AZ
Greyhills High School	9-12	500	200	0	CONT	AZ
Little Singer Community School	K-6	101	0	0	CONT	AZ
EASTERN NAVAJO						
Baca Community School	K-4	179	0	0	BIA	NM
Dibe Yazhi Habitiin Olta, Inc	K-8	213	0	0	CONT	NM
Bread Springs Day School	K-3	149	0	0	BIA	NM
* Chi-Ch'il-Tah / Jones Ranch	K-8	250	53	0	BIA	NM
Huerfano Dormitory	K-12	22	0	96	BIA	NM
* Lake Valley Navajo School	K-8	122	55	0	BIA	NM
Mariano Lake Community School	K-6	279	60	0	BIA	NM
Ojo Encino Day School	K-8	242	0	0	BIA	NM
Pueblo Pintado Community School	K-8	329	160	0	BIA	NM

* Tse'ii'ahi'(Standing Rock)Community	K-4	168	0	0	BIA	NM
* Dlo'Ay Azhi Community School	K-6	164	123	0	BIA	NM
Na'Neelzhiin Ji'Olta (Torreon)	K-8	431	0	0	BIA	NM
Wingate Elementary School	K-8	677	490	0	BIA	NM
* Wingate High School	9-12	693	505	0	BIA	NM
T'iists'oozi' Bi'o'lta(Crwnpnt Comm Sch)	K-8	599	113	0	BIA	NM
Dzilth-na-o-dith-hle Community School	K-8	333	97	0	BIA	NM
* To'Hajiilee-He (Canoncito)	K-12	426	0	0	BIA	NM
Alamo Navajo School	K-12	363	0	0	CONT	NM
CHINLE						
* Cottonwood Day School	K-8	236	0	0	BIA	AZ
Low Mountain Boarding School	K-5	285	60	0	BIA	AZ
Lukachukai Boarding School	K-8	397	100	0	BIA	AZ
Nazlini Boarding School	K-6	135	43	0	BIA	AZ
Pinon Dormitory	K-5	81	0	281	CONT	AZ
Rock Point Community School	K-12	513	0	0	CONT	AZ
Rough Rock Demonstration School	K-12	404	206	0	CONT	AZ
* Chinle Boarding School	K-8	522	135	0	BIA	AZ
Many Farms High School	9-12	345	73	0	BIA	AZ
Black Mesa Community School	K-8	99	0	0	CONT	AZ
FORT DEFIANCE						
* Chuska/Tohatchi Consolidated School	K-8	695	224	0	BIA	NM
Crystal Boarding School	K-6	166	58	0	BIA	NM
Dilcon Boarding School	K-8	402	88	0	BIA	AZ
Greasewood Boarding School	K-8	390	126	0	CONT	AZ
Holbrook Dormitory	9-12	0	0	135	BIA	AZ
Hunters Point Boarding School	K-5	134	56	0	BIA	AZ
Kinlichee Boarding School	K-6	140	47	0	BIA	AZ
Pine Springs Boarding School	K-4	115	0	0	BIA	AZ
Seba Dalkai Boarding School	K-6	159	42	0	BIA	AZ
Wide Ruins Boarding School	K-5	223	76	0	BIA	AZ
Winslow Dormitory	7-12	0	0	159	BIA	AZ
		18,401	4,825	1,111		

* Schools pictured in Photo Display

PHOTO DISPLAY

The following photo display is a condensed representation of the wide spread deterioration of school facilities throughout the Navajo Reservation.

The consistent decline of facilities is directly attributed to the steady decrease of funds allocated for preventive maintenance support, contrary to the prescribed Facilities Construction Operations and Maintenance budget formula.

As a consequence, other major improvement and repair projects are also being severely impacted with decreased funding allocated for these programs.

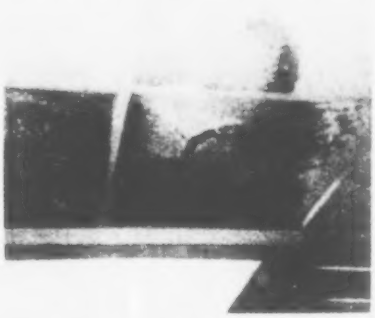
With added schools going grant the need for a meaningful appropriation and distribution of funds becomes of greater urgency.

BUREAU OF INDIAN AFFAIRS

EASTERN NAVAJO AGENCY

MARCH 1998

Eastern Navajo Agency - Canoncito School
Bldg. 621 - Roof leak ceiling damage.



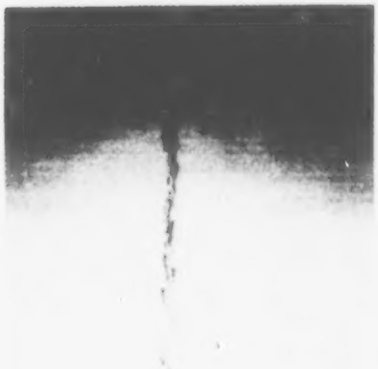
Eastern Navajo Agency - Chichiltah School
Building 643 - Roof leak ceiling damage.

Eastern Navajo Agency - Standing Rock School
Typical 1930 vintage school building.

Eastern Navajo Agency - Standing Rock School
Typical modular temporary classroom.

ME OF THE BEARS

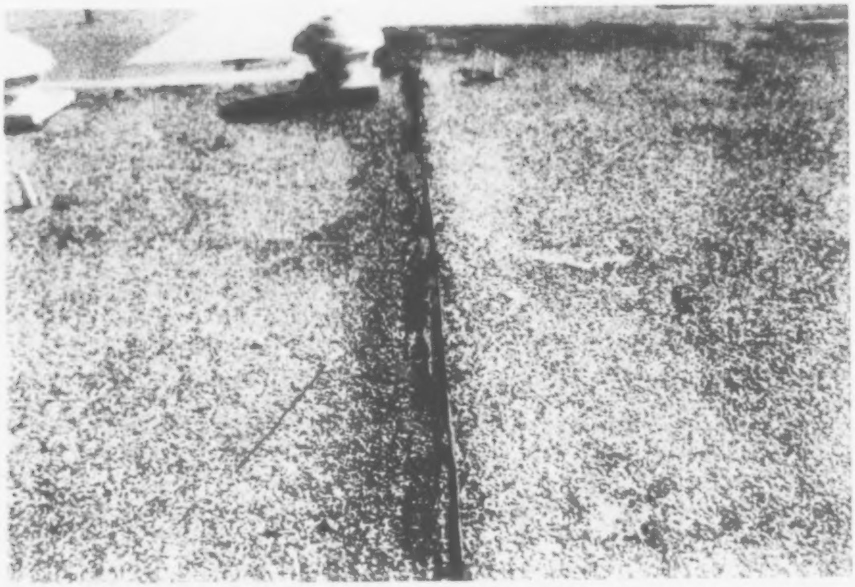
Eastern Navajo Agency - Wingate High School
Cracked exterior wall, auditorium.



Eastern Navajo Agency - Wingate High School
Cracked interior wall, auditorium.

Eastern Navajo Agency - Wingate High School
Deteriorated shower stalls.

Eastern Navajo Agency - Thoreau School
Old steamlines in the basement.



Eastern Navajo Agency - Lake Valley School
Kitchen - Damaged roof.

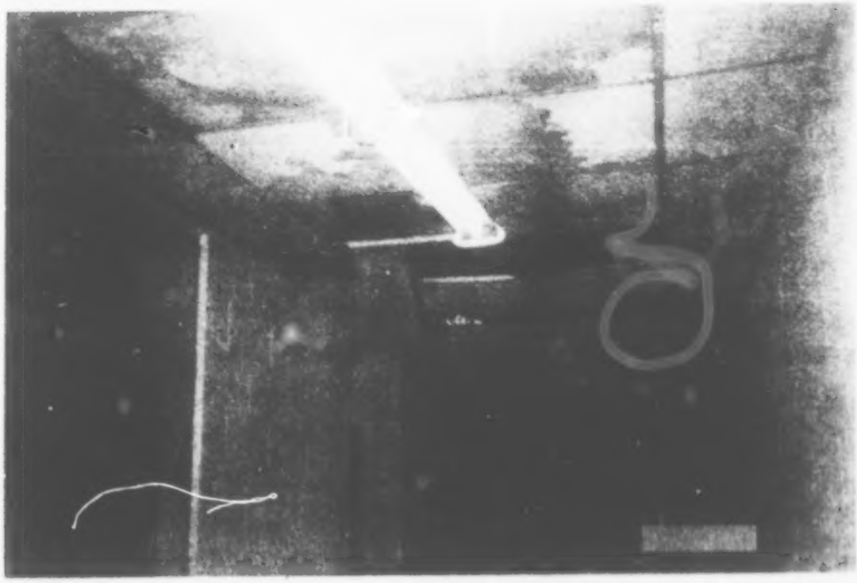
Eastern Navajo Agency - Lake Valley School
Kitchen - Damaged roof.

BUREAU OF INDIAN AFFAIRS

CHINLE AGENCY

MARCH 1998

Chinle Agency - Cottonwood Day School
Deteriorated sidewalk entrance to school building.



Chinle Agency - Chinle Boarding School
Southwest Entrance - Roof leak ceiling damage.

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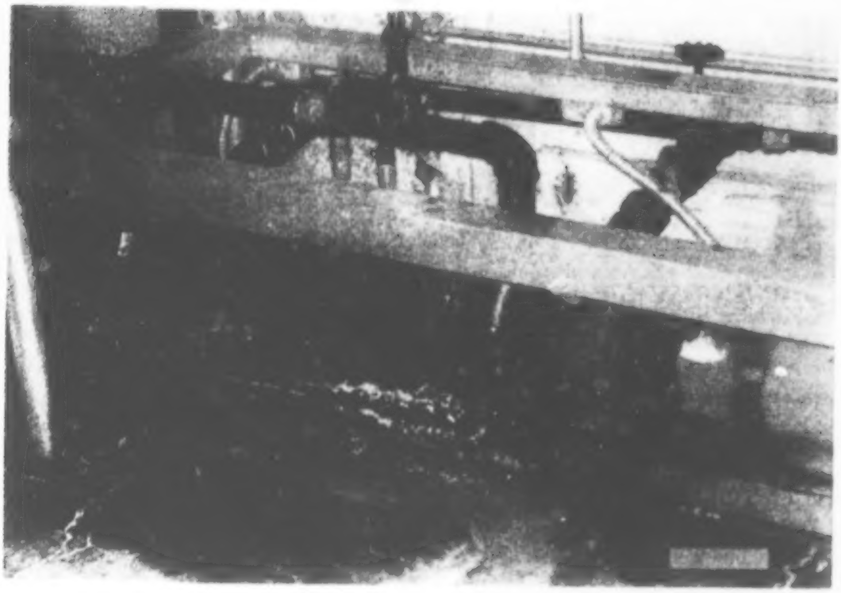
Chinle Agency - Cottonwood Day School
Large pot holes on school compound.

Chinle Agency - Cottonwood Day School
Deteriorated pavement.

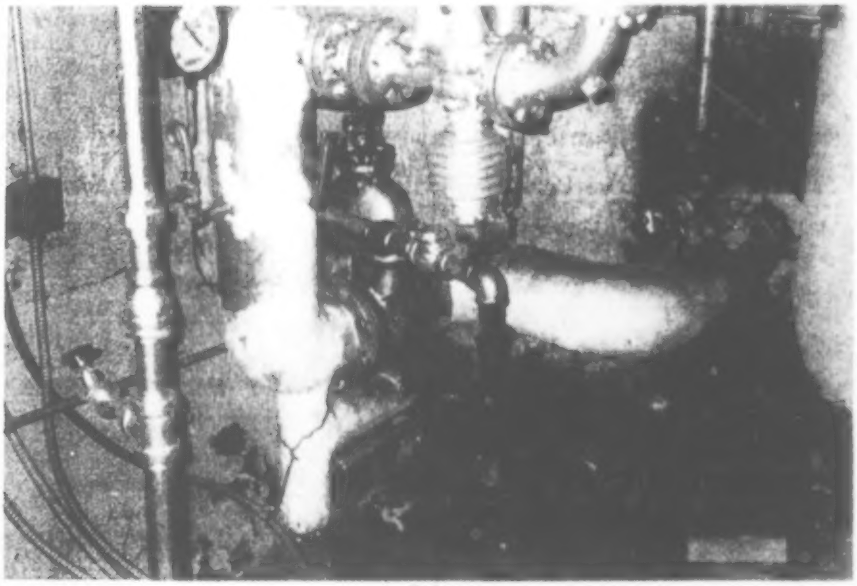
BUREAU OF INDIAN AFFAIRS

FT. DEFIANCE AGENCY

MARCH 1998



Ft. Defiance Agency - Tohatchi School
Building 21 - Typical mechanical system condition.



Ft. Defiance Agency - Tohatchi School
Building 21 - Typical mechanical system condition.

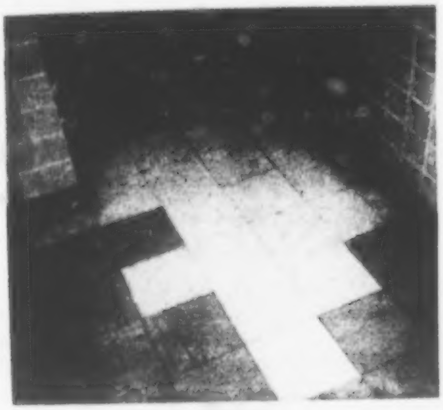
Ft. Defiance Agency - Tohatchi School
Building 71 - Deteriorated roof.

Ft. Defiance Agency - Tohatchi School
Building 71 - Roof leak damage.

BUREAU OF INDIAN AFFAIRS

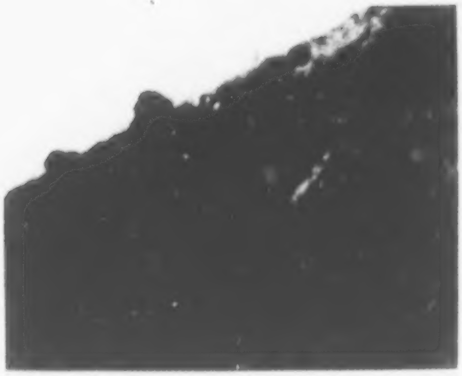
SHIPROCK AGENCY

MARCH 1998



Shiprock Agency - Teec Nos Pos School
Multi-color floor tiles typical.

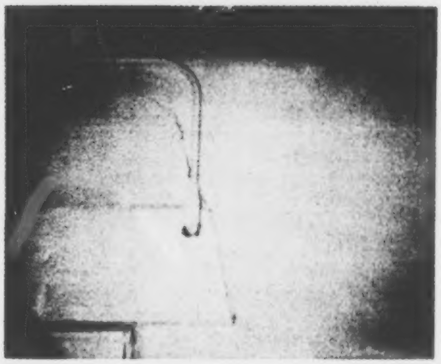
Shiprock Agency - Teec Nos Pos School
Severely damaged walk-in refrigerator door/jamb.



Shiprock Agency - Teec Nos Pos School
Example of corroded sewer piping throughout school.

Shiprock Agency - Tohaali School
Kitchen building - roof leak ceiling damage.

Shiprock Agency - Tohaali School
Cafeteria - Exit door severely spalled steps.



Shiprock Agency - Beclabito Day School
Cracked walls throughout historic buildings.

Shiprock Agency - Beclabito Day School
Structural settlement problem throughout historical building.

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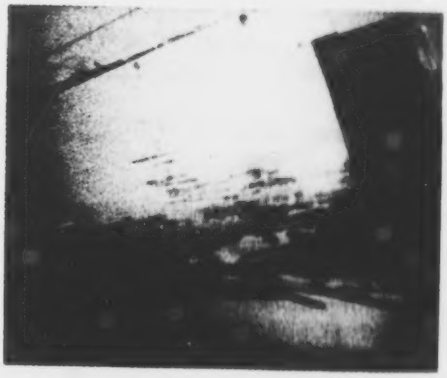
BUREAU OF INDIAN AFFAIRS

WESTERN NAVAJO AGENCY

MARCH 1998

Western Navajo Agency - Leupp School
School Bldg. 81 - Rook leak damage.

Western Navajo Agency - Leupp School
Main Corridor - Deteriorated built up roof.



Western Navajo Agency - Leupp School
Pump House #2 - Roof leak ceiling damage.

Western Navajo Agency - Leupp School
Quarters - Deteriorated fencing.

EASTERN NAVAJO AGENCY SCHOOL BOARD
P. O. BOX # 328
CROWNPOINT, NEW MEXICO 87313

RESOLUTION

ENASB-98-001
02/26/98

SUBJECT: RESOLUTION OF THE EASTERN NAVAJO AGENCY SCHOOL BOARD DEMANDING FULL RESTORATION OF FACILITIES CONSTRUCTION OPERATION AND MAINTENANCE (FACCOM) FUNDING

WHEREAS:

1. Eastern Navajo Agency School Board (Agency School Board) represents the 18 member schools of Eastern Navajo Agency and is concerned with issues affecting all member schools; and

2. Member schools have individually examined and brought to the full Agency School Board's attention their concerns over fund distributions for FY-98 facilities operations & maintenance (FM-O&M) functions at each school; and

3. Said FM-O&M funding level reflects an appropriation of 66% of documented need pursuant to the FACCOM formula; and

4. The Bureau of Indian Affairs - Budget Office, the former Office of Construction Management in the Department and the Facilities Management and Construction Center (FMCC) bear direct responsibility for the FM-O&M funding shortfall for failure to accurately reflect FM-O&M substantiated (FACCOM) funding needs in its budgets to the Congress since 1993; and

5. Even with an additional $1 million Congressional increase over the Bureau's inadequate funding request, the FY-98 appropriation for FM-O&M only achieves 66% funding of FM-O&M; and

6. The adverse effects of inadequately funded FM-O&M have resulted, and will most assuredly continue to result, in delayed maintenance with consequential facilities deterioration and infrastructure deterioration to the point of condemned/unusable facilities and the curtailment of necessary security which exposes government installations to the increased risk of fire, theft, vandalism, and deterioration by the influence of nature; and

7. The $2.7 million proposed increase in the President's FY-99 budget is less than half the increase required to fund facilities operation and maintenance at the FACCOM need level.

NOW, THEREFORE, BE IT RESOLVED:

The Eastern Navajo Agency School Board hereby respectfully demands that the Bureau of Indian Affairs (inclusive of the Budget office, Facilities Management and Construction Center and such other offices as are responsible to accurately reflect the documented facilities construction operations and maintenance needs to the Congress) immediately forward to the Congress a supplemental funding request which restores full (100%) funding of said operations and maintenance need.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Eastern Navajo Agency School Board at a duly-called meeting at which a quorum was present and that same was passed by vote of 13 in favor, 0 opposed, and 0 abstained, this 26th day of February, 1998.

Motion: Rosemary Silversmith
Second: Mae Sandoval

President, Eastern Navajo Agency School Board

LOCATION OF PUBLIC HIGH SCHOOLS FROM:

Pintado to Cuba ...55 miles
Pintado to Crownpoint...50 miles
Pintado to Bloomfield...65 miles
Torreon to Cuba ....26 miles
Whitehorse Lake to Crownpoint ...37 miles
Nageezi to Bloomfield ....40 miles

-1170

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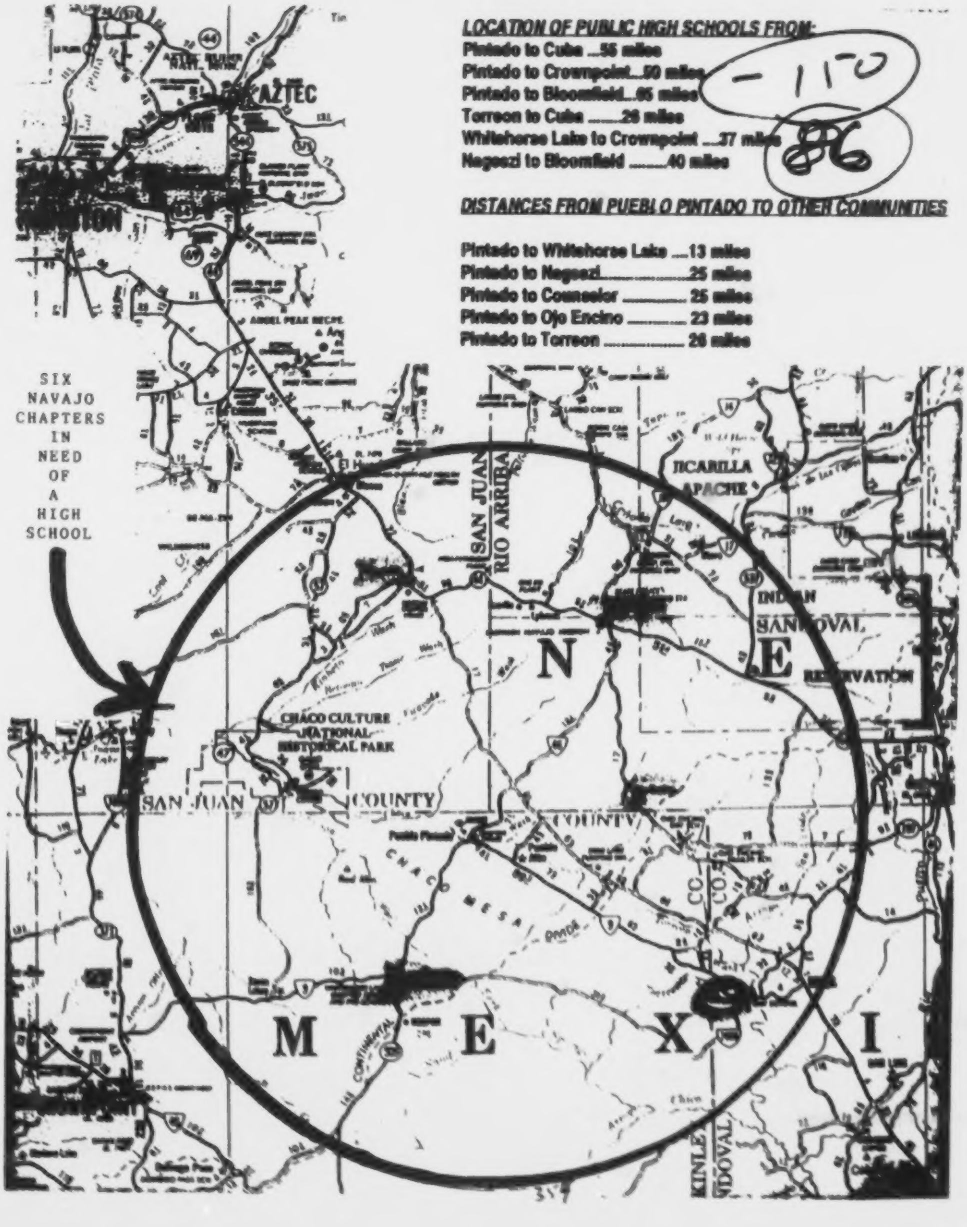
DISTANCES FROM PUEBLO PINTADO TO OTHER COMMUNITIES

Pintado to Whitehorse Lake ....13 miles
Pintado to Nageezi...................25 miles
Pintado to Counselor .... 25 miles
Pintado to Ojo Encino .... 23 miles
Pintado to Torreon .... 26 miles

SIX NAVAJO CHAPTERS IN NEED OF A HIGH SCHOOL


AZTEC
SAN JUAN
RIO ARRIBA
JICARILLA APACHE
INDIAN
SANDOVAL
RESERVATION
CHACO CULTURE NATIONAL HISTORICAL PARK
SAN JUAN COUNTY
COUNTY
CHACO MESA
CONTINENTAL DIVIDE
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JOINT RESOLUTION FROM THE FOLLOWING COMMUNITIES:

Pueblo Pintado
Whitehorse Lake
Tinian
Counselors
Ojo Encino
Star Lake
Torreon
Rincon Marquis

WHEREAS:

1. High School age students in the Pintado, Whitehorse Lake, Ojo Encino, Torreon, Counselor, Rincon Marquis, and Tinian Communities meet the BIA definitions/OCM criteria for an "unhoused" segment of the Indian population. Our students are from one hour to one and one-half hours from the existing high schools of Cuba and Crownpoint. This situation prevents our Navajo students from receiving an adequate and appropriate secondary education. Students are unable to participate in sports or after - school academic related programs. Students from this area must endure a 12 hour day when they leave for school at 6:30 a.m., and return at 6:00 - 6:30 p.m.; and,

2. On July 9, 1984, an application was submitted for a high school in this area to alleviate the problems stated in "1" above. It has been four years since this first application was submitted and the need is greater now than it was then due to population increase; and

3. There are an estimated 30% of our high school age students from this area who are dropouts due to the severe problem of isolation and lack of access to a secondary school.

THEREFORE

The Chapters in the above-mentioned communities unanimously support this resolution for the acquisition of a centrally located high school. The exact location of this new high school will be determined by an outside entity concerned only with finding a site central to the need of "unhoused students" in this area. The name of this new high school will be decided by vote of all concerned communities. We further unanimously agree that the urgency of our need mandates the utmost expediency from all governmental levels in accomplishing this objective.

Pueblo Pintado Chapter

Frank Chee Willetto
Chapter President

Lekon Sandoval
School Board Chairman

Billy Chiquito
Tribal Council Representative

JOINT RESOLUTION FROM THE FOLLOWING COMMUNITIES:

Pueblo Pintado
Whitehorse Lake
Tinian
Counselors
Ojo Encino
Star Lake
Torreon
Rincon Marquis

WHEREAS:

1. High School age students in the Pintado Whitehorse Lake, Ojo Encino, Torreon, Counselor, Rincon Marquis, and Tinian Communities meet the BIA definitions/OCM criteria for an "unhoused" segment of the Indian population. Our students are from one hour to one and one-half hours from the existing high schools of Cuba and Crownpoint. This situation prevents our Navajo students from receiving an adequate and appropriate secondary education. Students are unable to participate in sports or after - school academic related programs. Students from this area must endure a 12 hour day when they leave for school at 6:30 a.m., and return at 6:00 - 6:30 p.m.; and,

2. On July 9, 1984, an application was submitted for a high school in this area to alleviate the problems stated in "1" above. It has been four years since this first application was submitted and the need is greater now than it was then due to population increase; and

3. There are an estimated 30% of our high school age students from this area who are dropouts due to the severe problem of isolation and lack of access to a secondary school.

THEREFORE

The Chapters in the above-mentioned communities unanimously support this resolution for the acquisition of a centrally located high school. The exact location of this new high school will be determined by an outside entity concerned only with finding a site central to the need of "unhoused students" in this area. The name of this new high school will be decided by vote of all concerned communities. We further unanimously agree that the urgency of our need mandates the utmost expediency from all governmental levels in accomplishing this objective.

Whitehorse Chapter

Chapter President

School Board Chairman

Tribal Council Representative

JOINT RESOLUTION FROM THE FOLLOWING COMMUNITIES:

Pueblo Pintado
Whitehorse Lake
Tinian
Counselors
Ojo Encino
Star Lake
Torreon
Rincon Marquis

WHEREAS:

1. High School age students in the Pintado, Whitehorse Lake, Ojo Encino, Torreon, Counselor, Rincon Marquis, and Tinian Communities meet the BIA definitions/OCM criteria for an "unhoused" segment of the Indian population. Our students are from one hour to one and one-half hours from the existing high schools of Cuba and Crownpoint. This situation prevents our Navajo students from receiving an adequate and appropriate secondary education. Students are unable to participate in sports or after - school academic related programs. Students from this area must endure a 12 hour day when they leave for school at 5:30 a.m., and return at 6:00 - 6:30 p.m.; and,

2. On July 9, 1984, an application was submitted for a high school in this area to alleviate the problems stated in "1" above. It has been four years since this first application was submitted and the need is greater now than it was then due to population increase; and

3. There are an estimated 30% of our high school age students from this area who are dropouts due to the severe problem of isolation and lack of access to a secondary school.

THEREFORE

The Chapters in the above-mentioned communities unanimously support this resolution for the acquisition of a centrally located high school. The exact location of this new high school will be determined by an outside entity concerned only with finding a site central to the need of "unhoused students" in this area. The name of this new high school will be decided by vote of all concerned communities. We further unanimously agree that the urgency of our need mandates the utmost expediency from all governmental levels in accomplishing this objective.

Counselor Chapter

Chapter President

School Board Chairman

Tribal Council Representative

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SCHOOL CONSTRUCTION APPLICATION
FOR
BUREAU OF INDIAN AFFAIRS AND PREVIOUSLY PRIVATE SCHOOLS

(A) Pueblo Pintado Boarding School
NAME OF APPLICANT SCHOOL

Star Route 2, Cuba, New Mexico 87013
ADDRESS

505-655-3343-41
TELEPHONE NO.

(B) Navajo Tribe
NAME OF TRIBE (s) WITH WHICH APPLICANT SCHOOL IS AFFILIATED OR SERVES

(C) Navajo Tribe
NAME OF TRIBE (s) DIRECTLY BENEFITING OR RECEIVING SERVICES

(D) TRIBAL RESOLUTION DOCUMENTATION

July 9, 1984
DATE OF RESOLUTION

IDENTIFICATION NUMBER IF ANY

COPY OF RESOLUTION ATTACHED: [✓ YES] NO

(E) 09-20-84
DATE APPLICATION SUBMITTED TO BUREAU

ENA
AGENCY

Navajo
AREA

(F) Principal
SIGNATURE OF AUTHORIZED REPRESENTATIVE OF APPLICANT SCHOOL

9-20-84
DATE

SIGNATURE OF BIA AREA DIRECTOR

DATE

SCHOOL CONSTRUCTION APPLICATION

Pueblo Pintado Boarding School	09-20-84
SCHOOL	DATE
K-8	
GRADES OFFERED	ADM OCT. 31
ENA	Navajo
LOCATION	BIA AREA

1. **Describe the reason for application. Describe the reasons why students are considered unhoused.**
Three elementary feeder schools are in this area with a combined enrollment of 703 students. Secondary students are "unhoused" since a one way bus route to either of the two nearest high schools (Cuba or Crownpoint) takes 2-2½ hours.

2. **Describe school's attendance area. Give total school age population (5-18) in the area.**
The attendance area would include Pueblo Pintado, Whitehorse, Torreon, Ojo Encino and Counselors. The total school age population (5-18) for this area would be approximately 968.

3. **List all other schools in the attendance area and their distance from applicant school in miles and time.**
Cuba High - 53 miles Highway Rt only 1 hour
Crownpoint High - 47 miles Highway Rt only 1 hour
School route from homes is 2-2½ hour one way.

4. **Does the tribe support attendance in schools listed in No. 3? If no, explain.**

They receive Federal money for each Indian Student attending.

BEST COPY AVAILABLE

5. In what public school district is applicant school located? Has the public school applied for P.L. 815 funds? If so, what is its ranking on the USOE priority list?

No Public School in our district

A. Does the public school have any plans for increasing its size on its own? If yes, when?

N/A

6. Describe the present education program that is offered. (Include grade levels, special programs, etc.)

K-7 Pueblo Pintado, K-6 Ojo Encino, and K-8 Torreon serves Grades K-8 with Special Education services being offered for grades K-8 and serving SLD-SI-EMH. These are self-contained classrooms with partial departmentalization at Torreon. We have a Foster Grandparent Program and also work with IHS-PHS and Tribal Programs.

7. What is the design enrollment of the present school?

DAY 445

	DESIGN	ACTUAL
Ojo Encino	75	123
Torreon	300	372
Pueblo Pintado	170	69
Total	445	564

BOARDING 192

	DESIGN	ACTUAL
Pueblo Pintado	192	
+		139
Total	192	139

Total Enrolled 564 + 139 = 703

8. If any change is anticipated in the educational program or facilities needed to house it describe completely below.

No change is anticipated in the present educational program. Our request is for a high school to be built in this Pintado area due to the obvious need stated in this application.

If more space is needed, number the item and attach the additions to the application.

Pueblo Pintado School Board

RESOLUTION

JUL 13 1984

WHEREAS:

1. Pueblo Pintado is centrally located between two public high schools. Cuba High School is 53 miles east and Crownpoint High School is 47 miles west; and,
2. Presently, high school students is this area spend several hours each day traveling as much as 106 miles round trip to attend a high school; and,
3. Pueblo Pintado serves no less than seven communties resulting in availability of students; and,
4. Presently, high school students from the Pintado area who are not on established bus routes must board at Wingate, Aztec, or Huerfano Dorm in order to attend school. None of these are less than 100 miles distance.

THEREFORE:

The Pueblo Pintado School Board unanimously requests that consideration be given for a BIA High School to be located at Pueblo Pintado.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered and moved for adoption by Bert Mescal and seconded by Nelson Sandoval, thoroughly discussed and adopted by a vote of 7 in favor, 0 opposing that a duly-called meeting of the Pueblo Pintado School Board held on the 9th day of July, 1984.

Frank Chee Willetto
President, Pueblo Pintado
School Board

STATEMENT OF INTENT

The purpose of this notarized statement is to assure all parties of my willingness and intent to donate 40 acres of my land for the construction of a high school for this area. This particular piece of land is found in the N E quarter of Section 34, Township 20 N, and Range 7 W. It is located on the paved highway halfway between the high schools found in both Cuba and Crownpoint. Both towns are approximately 50 miles distance from this property (see attached map). Upon request this land will be donated to the appropriate party for the purpose of construction of a high school complex.

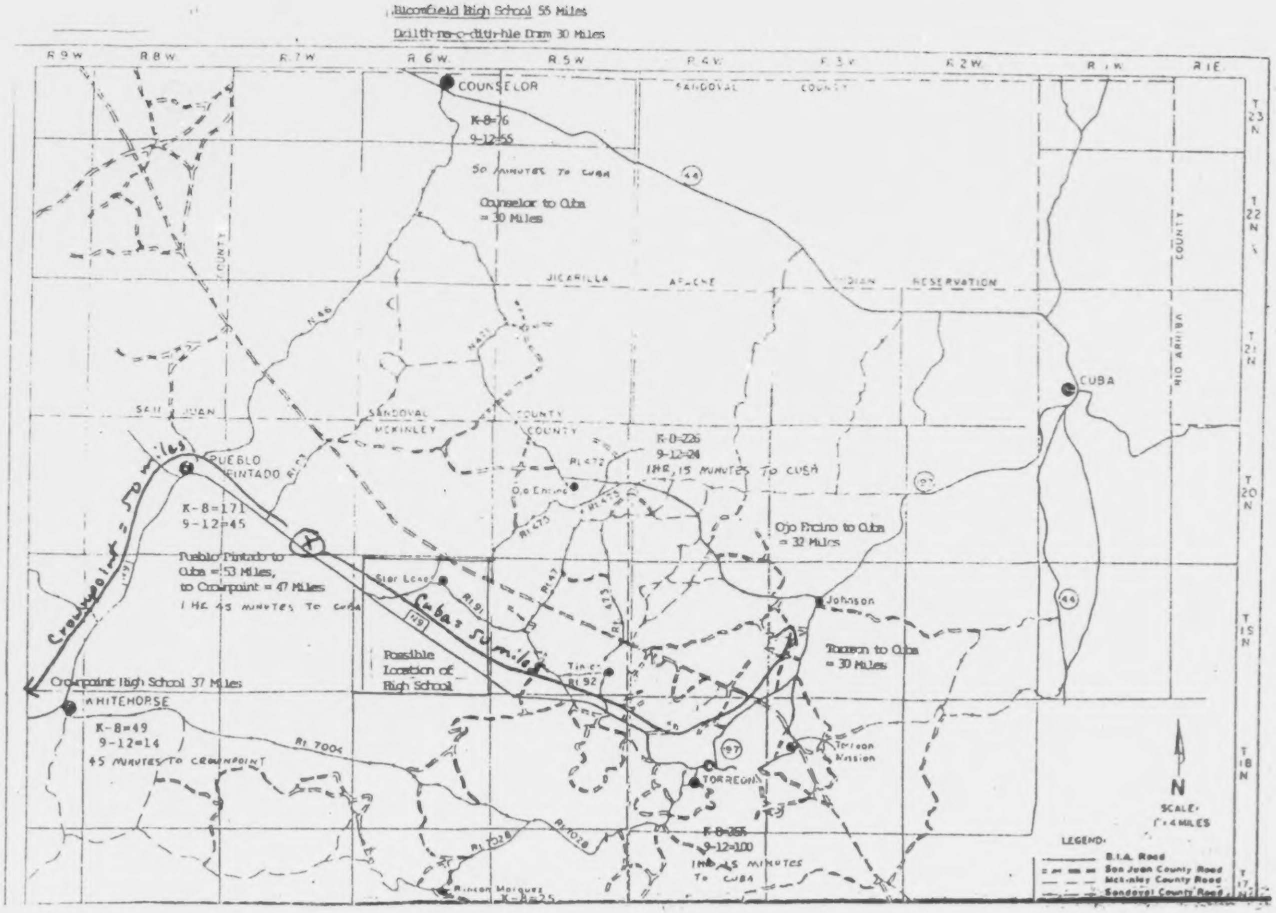
Maurice Tanner, Landowner

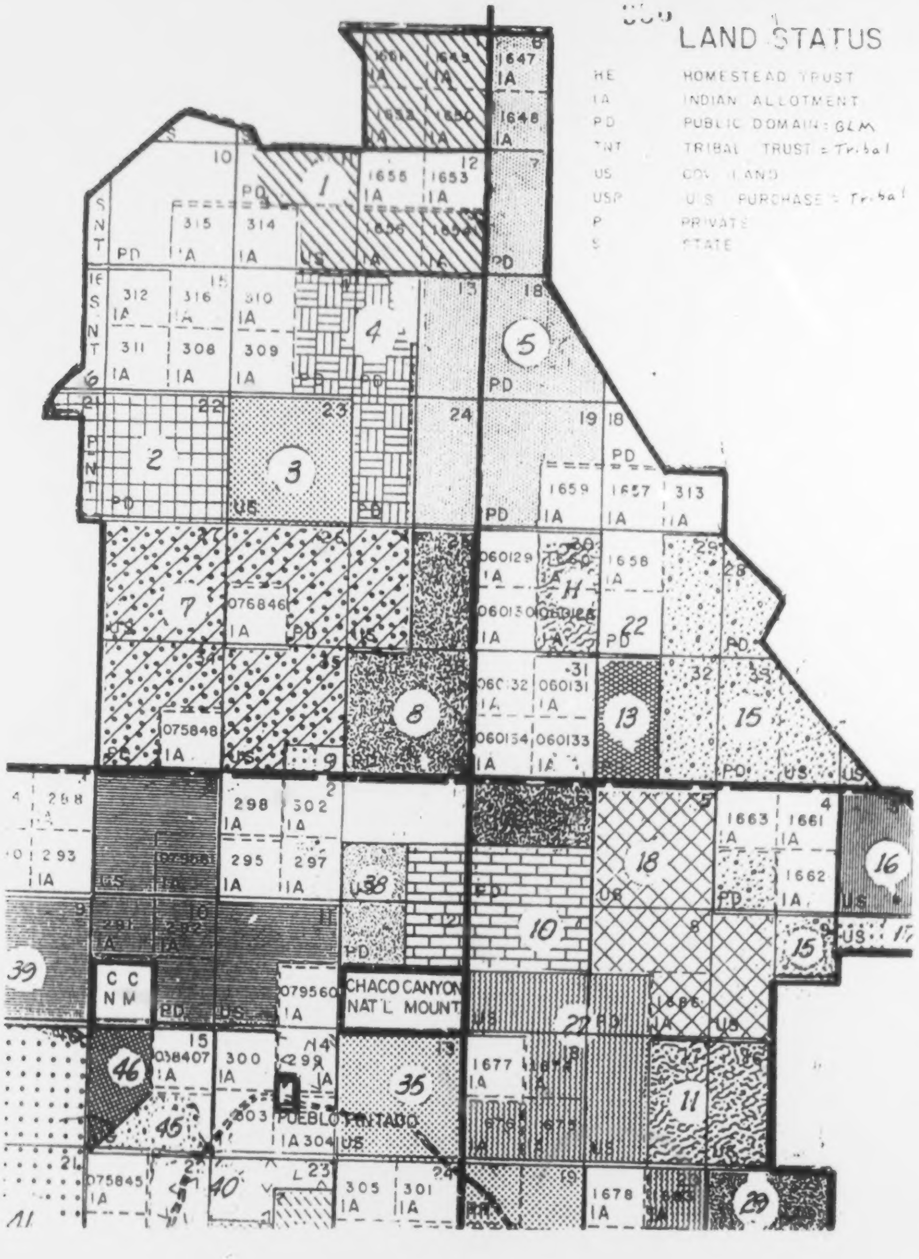
Subcribed and sworn to before me this 24th day of March, 1988.

Nelson Sandoval
Notary Public

My Commission Expires:

Sept. 9, 1991


Bloomfield High School 55 Miles
Dzilth-na-o-dith-hle Dzam 30 Miles
R 9 W
R 8 W
R 7 W
R 6 W.
R 5 W
R 4 W
R 3 W
R 2 W
R 1 W
R 1 E
T 23 N
T 22 N
T 21 N
T 20 N
T 15 N
T 18 N
T 17 N
COUNSELOR
K-8=76
9-12=55
50 MINUTES TO CUBA
Counselor to Cuba = 30 Miles
44
SANDOVAL COUNTY
JICARILLA APACHE INDIAN RESERVATION
RIO ARRIBA COUNTY
CUBA
SAN JUAN COUNTY
SANDOVAL COUNTY
MCKINLEY COUNTY
PUEBLO PINTADO
K-8=171
9-12=45
Pueblo Pintado to Cuba = 53 Miles, to Crownpoint = 47 Miles
1 HR 45 MINUTES TO CUBA
Crownpoint = 50 miles
Crownpoint High School 37 Miles
WHITEHORSE
K-8=49
9-12=14
45 MINUTES TO CROWNPOINT
Rt 7004
Star Lake
Rt 91
Possible Location of High School
Cuba = 50 miles
Ojo Encino
Rt 472
Rt 473
Rt 474
K-8=226
9-12=24
1 HR, 15 MINUTES TO CUBA
Ojo Encino to Cuba = 32 Miles
197
Johnson
Torreon to Cuba = 30 Miles
Tinian
Rt 92
97
TORREON
Torreon Mission
K-8=255
9-12=100
1 HR 15 MINUTES TO CUBA
Rt 1028
Rt 7028
Rincon Marquez
K-8=25
N
SCALE: 1" = 4 MILES
LEGEND:
B.I.A. Road
San Juan County Road
McKinley County Road
Sandoval County Road


LAND STATUS
HE HOMESTEAD TRUST
IA INDIAN ALLOTMENT
PD PUBLIC DOMAIN = BLM
TNT TRIBAL TRUST = Tribal
US GOV LAND
USP U.S. PURCHASE = Tribal
P PRIVATE
S STATE
CHACO CANYON NAT'L MOUNT
C C N M
PUEBLO PINTADO
1661 IA
1649 IA
1647 IA
1648 IA
1655 IA
1653 IA
315 IA
314 IA
312 IA
316 IA
310 IA
311 IA
308 IA
309 IA
1659 IA
1657 IA
313 IA
1658 IA
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060130 IA
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060131 IA
060134 IA
060133 IA
076846 IA
075848 IA
298 IA
302 IA
295 IA
297 IA
293 IA
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292 IA
079560 IA
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038407 IA
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075845 IA
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United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
OFFICE OF INDIAN EDUCATION PROGRAMS
EASTERN NAVAJO AGENCY
P.O. BOX 328
CROWNPOINT, NEW MEXICO 87313

IN REPLY REFER TO:
4200-EDUCATION

AUG 8 1988

Mr. Nelson Sandoval, President
Pueblo Pintado Community School Board
P. O. Box # 67
Crownpoint, New Mexico 87313

Dear Mr. Sandoval:

Enclosed is the Education Committee's resolution supporting the construction of a high school for the communities of Counselor, Ojo Encino, Pueblo Pintado, Torreon/Star Lake, and Whitehorse Lake, New Mexico.

As you are aware the construction application was not considered last year as the Office of Construction Management indicated the application lacked Tribal support.

The application now has the support of the Education Committee but, please note item # 3 under "Now, Therefore, Be It Resolved That" the Education Committee is instructing the Chairman and Navajo Division of Education to effect the intent of their resolution.

I have seen no correspondence from the Chairman's office nor Navajo Division of Education transmitting this resolution to the Office of the Construction Management in Washington, D. C.

Therefore, could you or Mr. Frank C. Willetto contact Mr. Tso to inquire if the Chairman's office and Navajo Division of Education have transmitted this resolution to the Office of Construction Management.

Sincerely yours,

Agency Superintendent for Education

Enclosure

BEST COPY AVAILABLE

ECMY-040-88

RESOLUTION OF THE
EDUCATION COMMITTEE
OF THE
NAVAJO TRIBAL COUNCIL

Supporting the Request for a New High School Construction in the Eastern Navajo Five Community Areas of Counselor, Ojo Encino, Pueblo Pintado, Torreon/Starlake, and Whitehorse Lake Chapters and Requesting the Office of Construction Management to give Priority Consideration to the Application of the Eastern Navajo Communities

WHEREAS:

1. The Education Committee of the Navajo Tribal Council is the committee authorized to work with local communities and school boards to foster local control of education, and to assist and support Navajo school boards in enforcing their rights under federal, state and tribal laws; to represent the Navajo Tribe before federal and state administrative agencies in order to advocate for the educational needs of the Navajo people; ACMA-035-84; and

2. The Education policies for the Navajo Nation states that, "All educational programs located within the Navajo Nation or serving significant numbers of Navajo students shall be housed in facilities that are accessible, appropriate to the purposes for which they are used, and maintained in good repair; CN-61-84; and

3. The Eastern Navajo Communities of Counselor, Ojo Encino, Pueblo Pintado, Torreon/Starlake and Whitehorse Lake have submitted a request jointly for a new high school to serve more than 250 high school students living in the aforementioned areas, who ride public school buses for more than one hour each way to school, or they must live in bordertown dormitories located at distances of 30 to 120 miles from home; these students are "unhoused" and further, projections based upon the current kindergarten enrollment estimate an increase to over 450 high school students by school year 1996-97; and

4. Two separate studies made by the Office of Indian Education Programs in 1980, indicated a need for a new high school in this area. The need has increased substantially since 1980; and

5. Recent dropout studies indicate that students are more likely to stay in school if they are closer to home and attend day schools; and

6. Parents and community members desire a high school to which they can claim "ownership". Studies indicate that students do much better in school, and programs are more successful when there is active community involvement and community pride in a school; and

7. Continuous efforts have been made by these communities since 1984 to obtain funding for this badly needed high school.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Education Committee of the Navajo Tribal Council hereby fully supports the five Eastern Navajo Agency communities of Counselor, Ojo Encino, Pueblo Pintado, Torreon/Starlake, and Whitehorse Lake in their request for new school construction.

2. The Education Committee hereby respectfully urges the Office of Construction Management to give priority consideration to the construction application, and to proceed with said plans as submitted by the five Eastern Navajo Communities.

3. The Education Committee hereby directs the Navajo Division of Education and the Office of the Chairman, to do any and all things necessary and proper to effect the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Education Committee of the Navajo Tribal Council at a duly called meeting at Torreon, Navajo Nation, New Mexico at which a quorum was present and that the same was passed by a vote of 05 in favor and none opposed this 22st day of March, 1988.

Daniel E. Tso

Daniel E. Tso, Chairman
EDUCATION COMMITTEE - NTC

MOTIONED: Billy Todachennie
SECONDED: Richard K. Begay

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 4 1989

Mr. C.D. Kannon
Principal, Pueblo Pintado Community School
Star Route 2
Cuba, New Mexico 87012

Dear Mr. Kannon:

This letter is to advise you that the application submitted for new school facilities construction has been reviewed and evaluated by the New School Construction Evaluation Committee in accordance with criteria and guidelines developed by this office and the Bureau of Indian Affairs (BIA).

It is the determination of the Committee that your application not be recommended for priority ranking for consideration for Fiscal Year 1991 BIA construction budget requests. A Federal Register notice, which lists those applications that are ranked in priority order, will be published in the near future.

The limited funds available for new school construction and the large number of applications submitted for these limited funds, has necessitated a priority ranking process. The fact that a project may not be ranked should not be interpreted as a determination that a particular project would not be beneficial. The priority ranking process serves as an objective means for allocating very limited funding among competing projects. Tribal entities may submit a new school construction application each year.

Thank you for participating in the new school construction application priority ranking process. Your commitment and dedication to improving the quality of education for Indian children is to be commended.

Sincerely,

Arthur M. Love, Jr., Director
Office of Construction Management

Celebrating the United States Constitution

cc: Deputy to the Assistant Secretary - Indian Affairs/Director
(Office of Indian Education Programs)

Deputy to the Assistant Secretary - Indian Affairs (Operations)

Navajo Area Director

Navajo Area Education Program Administrator

Director, Facilities Management and Construction Center

PUEBLO PINTADO COMMUNITY SCHOOL

ENROLLMENT HISTORY

1980 - 1981: 160

1981 - 1982: 179

1982 - 1983: 218

1983 - 1984: 205

1984 - 1985: 206

1985 - 1986: 230

1986 - 1987: 205

1987 - 1988: 246

1988 - 1989: 255

1989 - 1990: 243

1990 - 1991: 265

1991 - 1992: 262

1992 - 1993: 269

1993 - 1994: 255

1994 - 1995: 287

1995 - 1996: 305

1996 - 1997: 345

MESCALERO
— Apache —
SCHOOL
P.O. Box 230, 210 Central Mescalero Ave.
Mescalero, New Mexico 88340
Phone: (505) 671-4431 Fax: (505) 671-4822
"Mescalero Chiefs"

U.S. Senator
Pete V. Domenici (R)
328 Heart Senate Building
Washington, D.C. 20510-3101

MAY 20 1998

Dear Senator Domenici;

My name is George Cronin, and I am a registered Republican, teaching Life / Earth Science to the Seventh and Eighth Grade Students at Mescalero Apache School, in Mescalero, New Mexico USA. I have been employed for these last eight years by the Mescalero Apache Tribe to teach their children. In March of 1990, the Elementary School at Mescalero burned to the ground. At that time it was operated under the aegis of The Tularosa School District. The remainder of the school year was conducted in available space, in the Tribal Community Center provided by the Tribe.

The following school year, (1990-1991) the then Tularosa District decided unilaterally to bus all of the children to Tularosa and have school in portable buildings in Tularosa, NM. This was not acceptable to the Mescalero Apache Tribe to have their children bussed 18 miles away when a new or even temporary facility could have been built here in Mescalero. The result was that the Mescalero Apache Tribe applied for and was granted permission to operate a "Grant" school under the Tribal Jurisdiction; in the meantime the Tribe funded a Kindergarten through Sixth Grade school here on the Mescalero Apache Reservation.

Temporary facilities were provided, teachers were hired, and we started school in August of 1990. In December of 1990 we moved into the first temporary structure, erected by the Tribe, and have been expanding in portable buildings ever since.. In 1995 we expanded to the 12th grade and have since been in sub-standard portable buildings.

For eight years we have been promised a new facility. The Bureau of Indian Affairs has surveyed, studied, and restudied the needs of the Tribal School and they always say, "yes you need a new school." None has been forthcoming. I watched with dismay as the Reagan Office Building was dedicated, costing over 900 million plus dollars. The cost-overruns alone could have built our school several times over. I know that a facility alone doesn't make a school, however we have the other ingredients, eg. a willing and capable staff, faculty, and motivated students. All we need now is the Physical Plant

These children need safe, secure, facilities and have been promised them for eight years. I believe that their time has come. By now you should have received a proposal and requirements study from the Tribe, and a plan for a new school. I strongly urge you to help the Children of The Mescalero Apache Tribe to receive the new school that they so earnestly deserve.

Your assistance in helping to place The Mescalero Apache Tribal School on the fast track priority list for construction, along with the assistance of Senator Bingaman and the Representatives of the State of New Mexico, would be greatly appreciated by the Mescalero Apache Community, in particular the children who desperately need the new facility.

Respectfully submitted;

George Cronin
Teacher, Mescalero Apache School

U.S. Senator
Pete V. Domenici (R)
328 Heart Senate Bldg.
Washington, D.C. 20510-3101

98 MAY 18 AM 11:07

Dear Senator Domenici,

My name is Trina Dallas I am in eighth grade at Mescalero School. I m writing to you for our new school. The school we have is a collection of unsafe temporary portables. For eight years we were promised a new school.The Federal Govt. has built 900 million Regan Office building of which the cost over-runs would have built are school several times over.

Sincerly,
Trina Dallas

98 MAY 18 AM11:06

Dezarae Dedman
Mescalero Apache School
Mescalero N.M 88340

Dear Pete V Domenici

My name is Dezarae Dedman. I am writhing to you to inform you about our school. They are just a bunch of unsafe portables. The tilles on the celling sometimes fall off and might hit someone. When it rains it gets muddy outside and we track mud in the classrooms and it makes it harder for the janiters to clean and sometimes they don't clean all the rooms. During lunchtime we have to walk almost half a mile to go eat lunch and somtimes we just walk to the store. You have been promissing that you would build us a new school for eight years. I don't think that it is fair that other schools get nice schools and we don't.

Sincerely,
Dezarae Dedman
Dezarae Dedman

98 MAY 18 AM 11:06

Dana Keryte
Mescalero Apache Sch
Mescalero NM 88340

5/5/98

Dear Pete Dominnici:

My name is Dana Keryte. I live here on the Mescalero Reservation. I go to school at the Mescalero Apache High school. I am in the seventh grade. Our school is right off the Hwy. with white and brown portable buildings. There is an Elem. about third of a mile from our school. We have to walk up to the Elem. for lunch and sometimes for P.E. Sometimes when it rains there is mud all over the place. We have to walk through it and when we go into class and track in mud it gives the janitors a hard time to clean up. Our buildings are really unsafe and we really need a new school! We have computers in our classes but to get them working there are strings flying through the the air and when it rains we cant use the computers. We have no fire escape except for the one door. We have two windows which are boarded up. There is more to say about our school. Please help us-- we need a new school.

Respectfully,
Dana Keryte

98 MAY 18 AM 11:05

Senator Pete Dominici
328 Hart Senate Bldng.
Washington, D.C. 20515

Dear Senator Pete Dominici:

Hello, my name is Christopher Venego. I am writing to you to tell you that we need a new school. The portables we use are very dangerous. The reason we need a new school is because our classrooms are too far apart. They also don't meet the requirements we need to learn. We were also promised a new school. A new school has not come to pass for us. We need a new school for a better education. A new school would help us a lot. It will be greatly appreciated by the Mescalero Apache school.

Sincerely
Christopher Venego

Dear Senator Domenici

98 MAY 18 AM 11:05

I AM A STUDENT FROM THE MESCALERO APACHE SCHOOL AND I FEEL WE NEED A NEW SCHOOL BECAUSE IT IS VERY HOT AND SMALL WE HAVE TO WALK TO LUNCH AND COME BACK DOWN AGAIN

98 MAY 18 AM 11:05

U.S Senator
Pete V. Domenici (R
328 Hart Senate Bldg.
Washington, D.C 20510-3101

Hi my name is [illegible] I go to Mescalero Apache Schools, I am writing to [illegible] school in 1990 and we have been promised an new facility and the time has come to fulfill that plan Senator.

1. We need a new school
2 That the school we have is a collection of temporary things
3 For eight years we have been promised a new school.
4. The Federal Gov. has built a 900. million + Regan office building that would of paid for this school many times.

98 MAY 18 AM 11:05

Dear Senator Pete V. Domeniei

We need a new school for the Mescalero High School.

The Federal. Goit had built a 900 milliont Regan Office builting of which the Cost overruns would.

Ocer school burned down in 1990 and we have promised a new facitity and the time has come to Fulfie that premise Congressman
Senator

My Name is Daniel Sago

U.S Senator
Pete V Domenici (R)
328 Heart Senate bldg
Washington, DC. 20510-3101

98 MAY 18 AM11:04

Mescalero High School
Mescalero, New Mexico 88340
May 11, 1998

The Honorable Pete Domenici:
U.S. Senator
328 Hart Senate Building
Washington, DC 20510-3101

Dear Senator Domenici:

My name is Angel Aragon. I am a sophomore at Mescalero Apache High School. I am writing in regard to getting a new school.

The reasons I think we need a new school is because we have no lockers. If the weather is bad, our books get wet and so do we. The portables do not meet the safety guidelines. We are located right off of Highway 70 and the loud traffic is very distracting. There are many problems at this school and I feel a new facility would aid us in many ways.

Thank you for your time and consideration. I hope you will support us in our efforts to get a new school.

Sincerely Yours,

Angel Aragon

Angel Aragon

May 1, 1998

98 MAY 18 AM 11:04

U.S. Senator Pete Domenici
328 Hart Senate Building
Washington, DC 20510-3101

I an a student from Mescalero Apache School and I feel that we need a new school because it is crowded and full of little kids. We need a play ground for the school And Our classroom is small and portable. Sometimes our heat goes out and we freeze in our classroom. It is cheap because we dont get to play in the gym because it is closed. They wont let us go in the gym for P.E. That is all I wanted to write to you about. See you later.

Sincerly,
Darren Valdez

98 MAY 18 AM 11:04

Raven Chee
Mescalero Apache School
Mescalero, N.M 88340

May 8, 1998

Dear Senator Pete Dominnicci,

My name is Raven Chee. I live on the Mescalero Reservation I am writing to you because we need a new school.The school we have now is nothing but unsafe portable buildings Some buildings have no heat and blow out cold air The school has no P.A system The restrooms are outside and there are no water fountains You find mice and bugs in some rooms. It is very hard to learn in this school because the rooms are far away from each other and we have to walk in the cold from room to room to get to class There are no fire exits in case of a fire It is very hard for the janitors to clean up because they to have to go room to room Sometimes they don't even get to some rooms. The elementary is about one third of a mile away. Teachers that need to get some things from other teachers have to walk up or down to get it and it wastes the students time when they want to work. There are all kinds of wires going from room to room and this is very dangerous. The computers are always down. The elementary has no fire escape in case of a fire. There are no windows at the elem. school either! The bathrooms are all messed up. We have to walk in the mud to go to lunch. These are just some of the things we have to put up with. If you can help us it will be greatly appreciated '

Respectfully,

Raven Chee
7 grade student

BEST COPY AVAILABLE

98 MAY 18 AM 11:04

U.S. SENATOR
PETE V. DOMENICI (R)
328 HEART SENATE BLDG.
WASHINGTON D. C, 20510-3101

DEAR SENATOR:

I AM WRITING TO YOU IN REGARDS FOR A NEW SCHOOL THAT WE ARE DESPEARTELY IN NEED OF. THE BUILDINGS THAT WE ARE LEARNING IN DO NOT MEET THE MINIMUM REQUIREMENTS THAT WE STUDENTS NEED TO GET THE RIGHT EDUCATION WE NEED

ROBERT ESSARY
8TH GRADE
MESCALERO

U.S. SENATOR
PETE V. DOMENICI
328 HEART SENATE BLDG.
WASHINGTON, D.C. 20510-3101

05 11 98

DEAR SENATOR:

I AM WRITING TO YOU IN REGARDS FOR A NEW SCHOOL THAT WE ARE DESPERATELY IN NEED OF. THE BUILDINGS THAT WE'RE LEARNING IN DO NOT MEET THE MINIMUM REQUIREMENTS THAT STUDENTS WE NEED TO GET AN EDUCATION

JOSE LUIS MORENO
8TH GRADE
MESCALERO N.M

98 MAY 18 AM 11: 03

Mescalero High School
Mescalero, New Mexico 88340
May 11, 1998

The Honorable Pete Domenici
U.S. Senator
328 Hart Senate Building
Washington, DC 20510-3101

Dear Senator Domenici,

My name is Jolene Blake and I attend the Mescalero Apache High School. I am writing in regards to getting a new school built here on the reservation.

The buildings currently being used are in terrible condition. The buildings themselves are small and have only one exit. The roofs leak and we barely have a heating and cooling system. If there were to be a fire, I think teachers and students would get hurt because there is only one exit and the windows are barred up. Our school gym is also located in the community center, and we have to share it with the community and about 2 other classes at one time. That is very inconvenient for community members, as well as students and staff.

A new school is badly needed, with our own facilities to use. It would be in the very best interest of our community and school. It would really boost our school pride, and give our tribe something to be proud of. Thank you for your consideration and time. It is greatly appreciated.

Sincerely Yours,

Jolene Blake

Jolene Blake

U.S Senator
Pete V. Domenici (R)
328 Heart Senate Bldg.
Washington,D.C.20510-3101

My name is Jessica Rodriguez I am in 8th grade at Mescalero School. Our sciencelab dose not have gas, air, hot or cold water, nor an adequate ventilation system. For eight years we were promised anew school. The portable are all messed up, like we have a lot of mice and the heaters don't work in some portables. I would like to have a new school because we have a lot of kids in our school isn't safe the way it is.

Respectfully

Jessica Rodriguez

98 MAY 18 AM 11:03

U.S. Senator
Pete V. Domenici (R)
328 Heart Senate Bldg
Washington, DC, 20510-3101

Dear Senator, Domenici,

I am [illegible] [illegible], I attend [illegible] [illegible] [illegible] [illegible] [illegible] Speech [illegible] & am writing to [illegible] because [illegible] [illegible] [illegible] school [illegible] [illegible], [illegible] and [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] it and would greatly appreciate it [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Sincerely yours,

98 MAY 18 AM11:03

Dana Keryte
Mescalero Apache Sch
Mescalero NM,88340

May 11, 1998

U.S Senatorici
Pete V. Domenici:
328 Heart Senate Bldg
Washington, D.C. 20510-3101

Dear U.S. Senator Pete V. Domenici:

My name is Dana Keryte. I live on the Mescalero Apache Reservation. I go to school at Mescalero High School right off Hwy70. I am in the seventh grade. We work and study in white and brown portable buildings they are very unsafe and we really need a new school. In our science lab we have gas, air, hot or cold water nor anadequate Ventilaton system and it is very hard to work. Our old school burned down in 1990 and scince then they have been promising us a new school but we need your help. At the Elem. they have no playground to play on for lunch recess, all they have to play on is a black to. When children get hurt they get hurt very bad. In the class rooms it is very dangerous the celling is just about to cave in if the celling fallls it might hurt someone really bad. Also the doors don't close and hard to keep heat in. It is hard going through tis every day

for student, teachers, and other staff. Please help us we need a new SCHOOL!

Respectfully,
Dana Keryte,
Seventh grade student.

U.S. Senater 98 MAY 18 AM11:02
Pete V. Domenici (R)
328 Hart Senate Bldng
Washington, D.C.
20510-3101

Dear, U.S. Senator Pete Dominici

I am an 8th grader and. I'am telling you that we need a new School to get good education for our futures. Now we are going to school in portables. There are no Exits in case of a fire and the portables are Flammable. We have no water. We have to walk a long way just to Eat lunch.

From Eugene Padilla

98 MAY 18 AM 11: 02

Mescalero High School
Mescalero, New Mexico 88340
May 11, 1998

The Honorable Pete Domenici
U.S. Senator
328 Hart Senate Building
Washington, DC 20510-3101

Dear Senator Demecici:

My name is Sasha Aragon. I am a freshman at Mescalero Apache High School. I am writing to inform you about our school conditions.

The reasons why we would like a new school is because the portables are a fire hazard and we only have one exit door and the windows are bard with metal screens. We don't have any lockers so our books get messed up and we have to carry our stuff around all day . When the weather is bad we have no heat in the rooms, and when it rains the roofs leak .

I would like to thank you for your time and consideration in getting us a new school facility.

Sincerely Yours,

Sasha Aragon

Sasha Aragon

[illegible]

98 MAY 18 AM 11:02

[illegible]

Daniel Bigmouth

MAY 11, 1998

U.S. Senator Pete Domenici,

I am a student from Mescalero Apache School and I feel that we need a new school because we walk across the football field up to the Elementary School to eat lunch and go [illegible] and [illegible] school and we need a play ground and a Snack bar and a lunch [illegible] and a bigger gym.

98 MAY 18 AM 11:01

Collette
Elaine
Garcia

98 MAY 18 AM 11:01

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

98 MAY 18 AM11:01

[illegible]

U.S. Senator Pete Domenici,

I think we need a new school so we can get more student's. And pencil, paper and all that other stuff that we need. I say we [illegible] more fun stuff that we never had before. Like more work and the students who don't know our language we can teach them. A big gym and a snack bar for the whole school. 5 to 12 grades go to school portable buildings

Thomasina
Mescalero Apache School
Mescalero N.M. 88340

Sharon Lester
Mescalero Apache School
Mescalero N,M 88340

98 MAY 18 AM 11:00

Dear Senator Domenici;

"Hi" I"m Sharon Lester I live on the mescalero Reservation.I"m writing this letter to you to inform you that we relly need a new school for the kids that go to the mescalero school. Our portable are not safe cause of the wires that are hangy outside of your school. And in the buildings there are mice and bugs in the classroom.The elementary has no windows and fire exit incase ther is a fire.The janiters can not even clean all the rooms because it is to cold to walk outside. And when it rains and it's really muddy. We still have to walk up to the cafeteria to go eat lunch. The classes have no fire exits. We only have one door to each classrooms.The roof is about to fall in and the rain just drops though and on the floor. And when it snows we have to go to the bathroom we have to walk in the cold to get there. We have no waterfaltions we have to get it from the bathrooms.And we have no worm heat in the classrooms when it's really cold in ever room.We do not have gas for the lab so our teacher can show us the things we have to know in science; but we do not have the right stuff. The janitors have a hard time cleaning the mud stains in the class after it rains and we bring mud in the

classrooms because we have to go eat lunch. We really do need a new school so we do not have to have the kids walking in the mud to eat lunch. We go to the bathrooms outside the school because there are no indoor bathrooms.

Respectfully.
Sharon Lester.

U. S. Senator
Pete V. Domenici
328 Heart Senate Building
Washington, D. C. 20510

98 MAY 18 AM 10:55

Dear Senator Pete Domenici,

My name is Farrah Starr , I am in the eight grade at Mescalero Apaches Schools. What I wanted to tell you is that we need a new school because in the year of 1990 are school burned down. We've been promised a new school for eight years, but still haven't seen it....

The so-what school we are attending now is made up of 21 portables. When the heater is on, cold air will blow out. If there was a fire, will probably all burn up because there are no fire exits . The roof lecks and we don't have any water to drink.

I hope you consider our plea of help, because we really need a school.

Sincerely,
Farrah Starr
Farrah Starr

May 11, 1998

Dear U.S. Senator Pete Domenici,

Hi! I am a student here at Mescalero Apache school And I feel that we need a new school because I think this one is to little, and we have to walk up for lunch and I dont like it in winter when it snows, A snack bar so the school could make money for it's self.

Sincerely,
Katurah.
Palmer

Katurah Palmer

MESCALERO
Apache
SCHOOL
P.O. Box 230
Mescalero, New Mexico 88340

98 MAY 18 AM10:50

VE-12

Mescalero High school
Mescalero, New Mexico 88340
MAY 11, 1998

The Honorable Pete Domenic
U.S Senater
328 Hart Senate building
Washington, DC 2050-3101

Dear Senater Domenici:

My name is Bryce Hall and I am currently going to school at the Mescalero High School. I am writing you about the current position we are in. I hope that you will help our environment instead of hurt us.

Once, when I was about nine, my cousin and uncle lived in a trailor. My uncle and his girl friend started a fire in the fireplace. Later that night I heard yelling and I did not think much of it. I dozed off and then my cousin came in and said their trailer was on fire. Before I was half way dressed that trailer was half way burned. By the time the fire department got there all they could do was watch it burn to the ground. My cusins lost everything. Their dad's work records happen to be in the trailer also. All they had was regreat that they did not do the right things the first time. Our school is a death trap waiting to happen. There is not much, we as childern or community, can do about it. So please help us do the right thing the first time. We don't want to be victims of a serious mishap just because no one would help us get our education in the proper facilities.

Thank you for your time in reading my letter. I hope you will support the Mescalero students to get a new educational facility.

Sincerely Yours,

Bryce Hall

Bryce Hall

98 MAY 18 PM 1:54

Mescalero High School
Mescalero, New Mexico 88340
May 11, 1998

The Honorable Pete Domenici
U.S. Senator
328 Hart Senate Building
Washington, DC 20510-3101

Dear Senator Domenici:

My name is Camille Martinez. I attend Mescalero High school on the Mescalero Apache Reservation. I am writing this letter as a request for a new school

We, Mescalero Apache Tribal members, are in dire need of a new school.. we are presently having classes in portables. These portables are not very safe and they don't pass fire regulations.I am amazed that we are still able to attend school here under these conditions. When at school, we have the burden of listening to the loud traffic along Highway 70. We also do not have drinking water. Our cafeteria and gym are away from the school, even though they are still in walking distance.Our gym is open to the public, therefore, it is often crowded with three classes and some community members.

I would like to end here with a thank you. I appreciate your time and hope you will support our hopes for a new school.

Sincerely Yours,

Camille Martinez

Camille Martinez

VER

98 MAY 20 AM 10: 54

Dear Senator Pete V. Domenici,

We need a new school the school we have are all porolateba'ls. When we walk to class we have to walk from bulding to bulding. And we have to walk in the cold and mud to go eat lunch in the cafetria. We have to walk a quater of a mile. To lunch our school has no water funitions. The heat does not work. We were promised a school eight years. Now I thank eight years is up. Sometimes the Janitor's cant clean all of the rooms. beacuse they have to go to porolateba'ls and thats to hard for them.

Lana Whitebird

MESCALERO
Apache
SCHOOL
P.O. Box 230
Mescalero, New Mexico 88340

Respectfully,

LANA WHITEBIRD.

TERRENCE BLAKE
Mescalero Apache Sch.
Mescalero, NM. 88340

98 MAY 20 AM 10: 54

May 8, 1998

Dear, Senate Pete Dominici:

We need a new school. Because we have holes in the roof. The roofs are falling in. The Portables have no heat in some of them. They below cold air. we have to walk in the rain or snow, or if it is not that we have to walk in mud.

Respectfully
Terrence Blake
8th grade student.

98 MAY 20 AM 10: 54

Erma Bearshield
Mescalero Apache School
Mescalero N.M. 88340

5-8-98

Dear Mr. Senator Pete Dominici:

My name is Erma Bearshield. I live in Mescalero. I go to Mescalero Apache High School. I am in the 8th grade. The school looks very poor. The tiles on the roof is falling off. There is rats in this school. We have to walk in the mud when it rains or in the snow when it snows. The little sidewalk that we have to walk on gets frozen when it snows. People can get hurt with all the wires that are comeing out of the buildings. There are no fire exits. We only one door that people have to go in and out. Someone can get hurt that way, buy the doors opening and closing. If someone opens the door and someone is comming out they mite get hit and break something on there body. We have five computers in every room but, only a few of them will work. once in a great while thay will work. We have to walk a third of a mile to get to go eat. The building is right off the high way you can never tell when someone might get into a car reck and it might just hit one of the buildings. Sometimes it gets so cold in the buildings that we have to go work outside. Thats why we despritly need a new school. Well thanks for you time and please give this some thought.

Respectfully,
Erma Bearshield

98 MAY 20 PM 10:54

Jericho Chino
Mescalero Apche
School
Mescalero NM
88[illegible]

5/8/98

Dear Senator Pete Dominici:

I just wanted to tell you we need a new school because these portables are falling apart,

Respectfully
Jericho chino

98 MAY 20 AM 10: 54

U.S. Senator
Pete V. Domenici (R)
328 Heart Senate Bldg
Washington D.C. 20510-3101

Date: 5/8/98

Dear Senator

I am writing To you because we need a new School. the School we have is no good because our Scince labs don't have hot water the labs only have cold water. We also need new lockers because we don't have any and kids are alway losing their books. We need a building because we need a good education.

Love sinserely, yours
Adolph Morgan

98 MAY 20 AM 10:54

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

442

Sharon Lester
Mescalero Apache Sch
Mescalero NM 88340

Dear Senator Peter Domenici:

98 MAY 20 AM 10: 55

"Hi" I'm Sharon Lester I live on the Mescalero Reservation I'm writing this letter to inform you that we need a new school for the K-E that go to the Mescalero Apache school. Because these school is not safe. If there was a fire we don't have any ways to [illegible] only one door and the windows are all [illegible] and the bathrooms have no water fountains. Instead we have to get the water from the bathroom sinks and the classes are [illegible] and we have to walk in the [illegible] outside and the elementary has no [illegible] and no [illegible] for them. And we have mice and bugs in the class and the [illegible] is still falling apart and when it rains it drips through and in to the class. and we have to walk in the mud to the cafeteria and we bring mud in the classrooms and the janitors have a hard time taking the mud-stains out of the floor. And they don't even get to do all the rooms because they have to walk outside to do that.

Respectfully,

Sharon Lester.

98 MAY 20 AM 10:55

Mescalero High School
Mescalero, New Mexico, 88340
May 12, 1998

The Honorable Pete Domenici
U.S. Senator
328 Hart Senate Building
Washington, D.C. 20510-3101

Dear Senator Domenici,

My name is Cassie Enjady and I am currently attending the Mescalero High School. I am writing this letter in regards to building us a new school here on the Mescalero Apache Reservation.

We would like a new school built here for us because the portables we are renting do not provide much safety. These were built for office business and not classrooms that have only one exit. There is a lot of leaking, the heaters in most of the rooms do not work, and the gym and cafeteria are away from the school grounds. The gym is for the community, therefore, we have to share it with the community. There are usally three P.E. classes going on at one time which makes it difficult because of the lack of space.

I hope this letter was worth while and would like to say thank you for your time.

Sincerely,

Cassie Enjady

Cassie Enjady

May 8, 1998

98 MAY 20 AM 10:56

Dear Mr. Pete Dominic,

My name is Alexie Gaines. I live here on the reservation. I like it very much. It is really pretty in Mescalero but our school is the problem. It is ugly. I don't like the portable; the ceiling leaks and the floor is squeaky. Our doors squeaks and the door knobs are almost always broken. The school portable are just awful and dangerous.

Sincerely,

Alexie Gaines

Alexie Gaines

Alexie Gaines
P.O. Box 230
Mescalero NM
88340

98 MAY 19 PM12:32

Mescalero High School
Mescalero, New Mexico 88340
May 11, 1998

The Honorable Pete Domenici
U.S. Senator
328 Hart Senate Building
Washington, DC 20510-3101

Dear Senator Domenici:

My name is Jessica St. John. I am a sophomore at Mescalero High School. I am writing this letter to ask for your support in getting us a new school.

Our school is primarily portable construction buildings that really belong on construction sites, but that's where we are getting an education and attending classes. Sometimes the heaters work in the winter and sometimes they don't. The heaters and air conditioners seldom work. We walk about a quarter of a mile to eat lunch at the cafeteria or go to the store. If it rains we tramp through the mud, and other grimy stuff. Then we go to our classes and track mud through the portables all afternoon. I play basketball on the school team. We have no gym to call our own. We share the community gym, which makes it difficult because there are many times when we are unable to use it because of community functions.

We need a new school after about six or seven years of getting an education out of make shift classrooms. You need to see what I'm talking about not just read about it. I just grin and bear it everyday that I come to school because I plan to graduate in the year 2000. We would really appreciate your time and support in helping us attain a new school.

Respectfully,

Jessica St. John
Jessica St. John

U.S Senetor
98 MAY 19 PM 1:01
May 11, 98

Pete. V. Domenici (R)
328 Heart Senat Bldg.
Washington, D.C. 20510-3101

Dear Senetor Domenici:

My name is Natasha Little I'm in the 8th grade at Mescalero Mid-High. I am writing to you to ask you for a new school, because we really need one. Right now we are going to school in a very unsafe portables. The school we used to go to was burnted down. Then the community center let the students continue class in the day care and the libary. So that is one of the reasons that we need a new School. Another reason is that the portables are indire need for reparies. The main repair needed are the portables themselves. Thoses are only some of the reason we need a new school.

Sincerely,
Natasha Little

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